Raul Hilberg

[Raul Hilberg testified at the first trial of Ernst Zündel in 1985. Prior to the second trial in 1988, Hilberg was asked by Crown Attorney John Pearson to reattend in Canada to give expert historical testimony on the Holocaust. Hilberg refused. In a letter to Pearson dated 5 October, 1987 Hilberg wrote:

> "I have grave doubts about testifying in the Zündel case again. Last time, I testified for a day under direct examination and for three days under cross-examination. Were I to be in the witness box for a second time, the defense would be asking not merely the relevant and irrelevant questions put to me during the first trial, but it would also make every attempt to entrap me by pointing to any seeming contradiction, however trivial the subject might be, between my earlier testimony and an answer that I might give in 1988. The time and energy required to ward off such an assault would be great, and I am afraid that the investment of time alone would be too much, given all the commitments and deadlines I am facing now."

As a result, Crown Attorney Pearson applied to the court to have Hilberg's 1985 testimony read to the jury. Defence attorney Christie objected to the reading in of the testimony, alleging that Hilberg had perjured himself in 1985 with respect to his views on the existence of a Hitler order or orders, and that this was the real reason he was refusing to reattend in Canada. Christie pointed out that in 1985 Hilberg had testified that he believed a Hitler order existed; within weeks of that testimony, however, Hilberg's second edition of his book The Destruction of the European Jews had been published, in which he excised all mention of a Hitler order in the main body of the work. Christie argued it would be gravely prejudicial to Zündel and an insult to the administration of justice to allow the evidence to go to the jury without benefit of cross-examination in person of Hilberg.

The application was nevertheless granted by Judge Ron Thomas and Pearson read Hilberg's previous testimony into the record over a four day period on February 4, 5, 8 and 9, 1988. What follows is the 1985 Hilberg testimony. All references are to the 1985 transcript.

Raul Hilberg was born in Vienna, Austria, in 1926. He emigrated to the United States in 1939. He came alone, without his family. In 1944, Hilberg started service with the United States Army doing intelligence work. (4-680)

After the war, Hilberg obtained a B.A. degree in political science from Brooklyn College and M.A. and Ph.D. degrees from Columbia University in public law and government. His doctorate was obtained in 1955. Hilberg subsequently took up a teaching post at the University of Vermont which he still held. A full professor, Hilberg taught international relations, American foreign policy, and the Holocaust. (4-681, 682)

Hilberg commenced his study of the Holocaust in 1948. For a year (from 1951 to 1952) Hilberg worked at the Federal Records Centre at Alexandria, Virginia, in a project for the United States government, exploring captured German documents. His main work with respect to the Holocaust, said Hilberg, was “writing, sometimes consulting with publishers that send me books, or manuscripts, to be reviewed, and things of this sort.” (4-682)

Hilberg had written a major work on the Holocaust entitled The Destruction of the European Jews, “…which was first published in 1961, and has been re-printed a number of times. An enlarged edition came out in Germany two years ago, and a somewhat larger one that will come out in three months in three volumes in the United States. That will be a revised, expanded edition, but in between I have published other works, both articles and books.” The Destruction of the European Jews was about 800 pages long with double columns of text and about 3,000 footnotes. The forthcoming second edition, said Hilberg, “will be larger. Some condensation of material, but much that’s been added. It’s hard to transfer percentages, because the format is a little different. It’s not double columned anymore, but it is 30, 40 percent longer than the first, even though it comes out in three volumes.” (4-683, 686, 687)

Articles which Hilberg had written included ones for the Encyclopedia Americana and Funk and Wagnalls Encyclopedia: “On the Americana, on concentration camps, as well as the entry in Dachau and Buchenwald, and in Funk and Wagnalls on the Holocaust as such.” Almost everything that he had written, said Hilberg, pertained to the destruction of the Jews. (4-683, 684)

Hilberg was a member of the United States Holocaust Memorial Council by appointment of the President of the United States. He had also been a member of the President’s Commission on the Holocaust by appointment of President Carter. His other memberships included the American Society of International Law and the Jewish Studies Association as well as being a sinecure on some editorial boards. (4 684)

Hilberg defined the “Holocaust” to mean “the annihilation by physical means of the Jews of Europe during the Nazi regime between the years 1933 and 1945.” (4-686)

In carrying out his research, Hilberg testified, “My main research strategy is to look at documents, to rely primarily on documents, and secondarily on the statements of witnesses, all kinds of witnesses who have knowledge of or direct observation of any part of the subject matter that I am interested in… When I speak of documents, I mean primarily public documents. That is to say, records of the German Nazi regime, kept primarily during the years 1933 to 1945. The United States government in particular captured a large part of these records during the war and kept them physically in Alexandria, Virginia. I looked at some of them while they were located in that area. In addition, of course, I looked at the so-called Nuremberg documents which are, essentially, taken from this pile, for purposes of introducing evidence in the war crimes trials in Nuremberg — namely, 1946, 7, 8, 9. In addition to that, I have been to archives in foreign countries where smaller collections are available and looked at those, quite a few in the original… In the pre-Xerox age, one had to copy the documents by hand, and that is what I did for years.” Hilberg believed he copied “a few thousand” by hand over the years. (4-685, 686)

In his methodology as a historian, Hilberg said, “I would describe myself as an empiricist, looking at the materials, particularly the small details, and trying to come to conclusions from these details about the larger processes and the larger issues.” As an example, he would “look at railway transports from specific areas to death camps with a view to establishing the pattern of deportations and killings in Europe, or I would look at the manner in which clothing, or the lost belongings of the gassed would be collected and distributed to find out some, in some way, as to how thorough the process was, what the mentality behind it was, and how, indeed, it was financed.” (4-687, 688)

What perspective did he take in his work? “I was mainly curious from the beginning,” said Hilberg, “and I am still curious now about the details, about how this process was implemented from stage one to the last. I did not view it as a simple, massive, amorphous undertaking. I wanted to see it in its step-by-step procedure. Trained as a political scientist, I was interested in who made these decisions and in what order they were made. And on the whole, that is a perspective of a political scientist approaching a historical probe.” (4-688)

Hilberg had seen Did Six Million Really Die?: Truth At Last Exposed and had had an opportunity to read it. Crown Attorney Peter Griffiths asked Hilberg to comment on the historical methodology used in the pamphlet, considered as a whole. Hilberg replied, “It’s a bit hard to use the word 'methodology' in connection with such a pamphlet. Methodology presupposes some honest look at material and conclusions drawn honestly from it. What I find here is concoction, contradiction, untruth mixed with half-truths as some ordinary statements which anyone can accept in order that it’s hard for me to comprehend. It seems, at first glance, and also upon re-reading, to be a highly biased statement.” (4-690, 691)

Griffiths directed Hilberg’s attention to page 7 of the pamphlet where Harwood had written:

> In the first place, this claim cannot remotely be upheld on examination of the European Jewish population figures. According to Chambers Encyclopaedia the total number of Jews living in pre-war Europe was 6,500,000. Quite clearly, this would mean that almost the entire number were exterminated.

Hilberg testified that in the course of his studies he had tried to determine the total number of Jews in pre-war Europe and described his methodology: “In the first instance I would consult census statistics. In some countries there is a breakdown in the census by religion, and those areas, one must look at the date of the census and, obviously, one must, in certain instances, account for the difference of years, if it is a 1930 census to 1939 or to 1940, given the birth rates in the population as estimated. In those countries in which there was no census figure, and there are some like that, the data are a little bit more nebulous. They are based upon estimates made on the whole Jewish communities, but there are estimates made as well by the Gestapo and by German statisticians, and one can look at all of these, and I have done that. Not one which I would describe as highly precise, but one which, nevertheless, gives me a ballpark figure…About 9-1/2 million pre-war… There is quite a percentage of error in that figure because, however one wishes to define Europe, I look at the Jewish population of Poland for which there is a census figure for 1930, and a Polish estimate for 1935, and the figure is 3,350,000 just for one country, Polish. One looks at the census of the Soviet Union and sees in 1939, January 1939 census, a figure of 3,020,000. So here are two countries with 6 million and, roughly, 400,000 people. And that does not encompass Germany, France, Britain, and also other European countries, Hungary and Romania, which may be added.” (4-692, 693)

Do you have any difficulty with defining what a Jews is in pre-war Europe?, asked Griffiths. Said Hilberg, “Basically, the census statistics take the definition to be religion. Anyone belonging to the Jewish religion at the time was considered to be Jewish. Needless to say, Nazi Germany wrote its own definitions of the term “Jew,” so did satellite states such as Hungary, where the term “Jew” was defined in terms of grandparentage — in short, an individual with four Jewish grandparents, even though born into the Christian religion, was considered Jewish, under the Nazi definition. Thus, there is a difference, depending upon the country involved, of several percentage points, based upon which definition is adopted.” (4-693, 694) In summary, Hilberg indicated that his calculation was 9-1/2 million Jews in pre-war Europe, but that if one introduced different criteria of the definition of “Jew” as those belonging to the Christian religion, the numbers were slightly higher. “So these are ballpark figures,” he concluded. (4-705)

Griffiths produced a copy of page 99 of the 1973 edition of Chambers Encyclopedia, a portion of which Hilberg read to the court:

> On the continent of Europe apart from Russia, whose western provinces also suffered terribly, only a handful of numerically unimportant communities in neutral countries escaped and of the 6,500,000 Jews who lived in the Nazi dominated lands in 1939, barely 1,500,000 remained alive when the war ended six years later.

Hilberg testified that in this excerpt from Chambers, Russia was excluded from the calculation. “It refers to 6,500,000 Jews in Nazi-dominated lands in 1939… leaving aside the accuracy of this figure about which I wouldn’t comment, the fact is that Nazi-dominated Europe widened as German armies marched into France, Belgium, Holland, and above all, the eastern regions of Poland and the Soviet Union… in 1940 and 1941…” (4-695, 696)

Griffiths returned to Did Six Million Really Die? and read from page 10:

> It should be emphasized straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews.

“Leaving aside what the authors meant by the term 'document',” said Hilberg, “my interpretation of German records is that there are, indeed, many hundreds of documents dealing with death- dealing operations directly, and reporting upon them, and giving figures and details… for example, when the German armies crossed the border into the Soviet Union on June 22nd, 1941, they were accompanied by battalion-size units of Security Police and Security Service. These units called Einsatzgruppen reported back on a daily basis all their operations, above all, of course, the killings of people, and that is 90, 95 percent Jews, according to those reports, in various localities of the vast regions of the USSR from the Baltic to the Black Sea. That is just one example of direct reportage in the German documents.” (4-697) These documents existed today, said Hilberg and he had seen them. “These documents were Nuremberg documents. They come from the pile of records that the United States captured, or they are photostatic copies, microfilm copies available from the National Archives of the United States. I would not describe them as rare.” (4-698)

Griffiths returned to Did Six Million Really Die? and read from page 13:

> The Wisliceny statement deals at some length with the activities of the Einsatzgruppen or Action Groups used in the Russian campaign. These must merit a detailed consideration in a survey of Nuremberg because the picture presented of them at the Trials represents a kind of “Six Million” in miniature, i.e. has been proved since to be the most enormous exaggeration and falsification.

Hilberg testified that “of course” did not agree with this statement. Hilberg denied that he had seen anything in the documentation he had gone through that would prove that the evidence presented at Nuremberg dealing with the Einsatzgruppen was an enormous exaggeration and falsification. “I have seen repeated documentation, some of it in the original documents that I have seen in Alexandria, Virginia, which do indicate much larger figures for these mobile operations which involve shootings on a mass scale. They were not at all limited to the so-called commissars attached to the Red Army. There were extremely few of those. Indeed, there were not 34,000, as stated here.” (4-699)

Griffiths returned to the pamphlet and continued reading:

> The Einsatzgruppen were four special units drawn from the Gestapo and the S.D. (S.S. Security Service) whose task was to wipe out partisans and Communist commissars in the wake of the advancing German armies in Russia. As early as 1939, there had been 34,000 of these political commissars attached to the Red Army. The activities of the Einsatzgruppen were the particular concern of the Soviet Prosecutor Rudenko at the Nuremberg Trials. The 1947 indictment of the four groups alleged that in the course of their operations they had killed not less than one million Jews in Russia merely because they were Jews.

These allegations have since been elaborated; it is now claimed that the murder of Soviet Jews by the Einsatzgruppen constituted Phase One in the plan to exterminate the Jews, Phase Two being the transportation of European Jews to Poland. Reitlinger admits that the original term “final solution” referred to emigration and had nothing to do with the liquidation of Jews, but he then claims that an extermination policy began at the time of the invasion of Russia in 1941.

“What is correct in the statement,” said Hilberg, “is that there were four Einsatzgruppen composed, as stated here. It is also correct that I, myself, have stated that the killings of the Jews in the path of the Einsatzgruppen was phase one, and that the deportations was phase two. I, myself, have stated this in my own work. Also it is true, not only Reitlinger has stated that, that the usage of the term 'final solution' is an old usage, and it did mean emigration or some other disappearance of Jewry from the scene in the early days, and it did not mean killing until 1941. The phrase was not altered. The meaning given to the phrase was, however, entirely different once it was used in connection with either Einsatzgruppen operations or deportations to Poland.” (4-701, 702)

Hilberg testified that he was familiar with Gerald Reitlinger’s book The Final Solution. “It appeared in the early fifties. It is one of the first studies made on the basis of what I would consider not an overwhelming number of evidentiary materials, but nevertheless, enough to sketch the large picture. It is actually a rather conservative work. It’s written by an Englishman, Reitlinger, who tended to be skeptical, and especially with regard to numbers, tended to downgrade them rather than move them up.” (4-702)

Griffiths continued reading from the pamphlet:

> He considers Hitler’s order of July 1941 for the liquidation of the Communist commissars, and he concludes that this was accompanied by a verbal order from Hitler for the Einsatzgruppen to liquidate all Soviet Jews (Die Endlösung, p. 91). If this assumption is based on anything at all, it is probably the worthless Wisliceny statement, which alleges that the Einsatzgruppen were soon receiving orders to extend their task of crushing Communists and partisans to a “general massacre” of Russian Jews.

Hilberg testified that he based his opinion on more than the Wisliceny opinion. “There are statements made by various commanders, not only of, but in these Einsatzgruppen, some of them testifying at Nuremberg. Their affidavits are on record. There are statements made by members of the armed forces. There are records, including one which mentions the Chief of Operational Staff… in the High Command of the armed forces. Now, these are short, very concise, almost cryptic statements, but they do refer to a Hitler order. As far as the written material is concerned, it only refers to commissars and Jewish Bolshevik chieftains, as Hitler referred to them, but so far as the comments and statements of the commanders of Einsatzgruppen who, after all, were in the

field and who carried out these operations, were concerned, yes, there was a Hitler order. Surely they didn't want the impression to be created that they were doing all this on their own without the Hitler order." (4-703, 704)

Griffiths turned to the subject of the Nuremberg trials. Hilberg testified that he had read the Nuremberg transcript volumes and explained what the trials had entailed. "There was a trial of the so-called major war criminals headed by Göring. This was a trial under a Charter, actually a treaty, but it is called a Charter of the International Military Tribunal, to which some twenty- odd countries were a party. The judges at the trial were American, U.S., British, French and Soviet. The prosecution also was drawn from these four powers, and the defendants were the top leadership apprehended after the war, with some exceptions — a few lower-ranking individuals as well. This record produced twenty volumes of testimony and additional volumes of documentation. There were so-called subsequent trials which were conducted as U.S. military tribunal proceedings, but these proceedings were, although called 'military', and although deemed 'international' because under a Control Council which was passed by all four occupying council, these particular trials were headed by American judges drawn from the highest state courts and consequently proceeded along lines customary and usual in these courts. There were twelve subsequent trials involving Field-Marshals, top corporation executives, top ministerial bureaucracy representatives, and the like, also the high SS people. And these twelve subsequent trials produced yet another much larger record of documentation and testimony… Only one trial had a single accused, Milch. The others had several accused, up to more than a dozen." (4-705-707)

Griffiths read from page 11 of Did Six Million Really Die? concerning the Nuremberg trials:

> The Rules of Evidence, developed by British jurisprudence over the centuries in order to arrive at the truth of a charge with as much certainty as possible, were entirely disregarded at Nuremberg. It was decreed that "the Tribunal should not be bound by technical rules of evidence" but could admit "any evidence which it deemed to have probative value," that is, would support a conviction. In practise, this meant the admittance of hearsay evidence and documents, which in a normal judicial trial are always rejected as untrustworthy. That such evidence was allowed is of profound significance, because it was one of the principal methods by which the extermination legend was fabricated through fraudulent "written affidavits". Although only 240 witnesses were called in the course of the Trials, no less than 300,000 of these "written affidavits" were accepted by the Court as supporting the charges, without this evidence being heard under oath.

With respect to this passage, Hilberg said, "The system of keeping records at Nuremberg was to give each document an accession number — that is, regardless of content, as a document is received, it would receive a consecutive number within a so-called document series. So we have a pretty good figure of the number of documents that there were. These documents were given numbers regardless of whether they were German correspondence or affidavits. It made no difference. They would just get a number. And if the previous number was 599, then the next number was 600. From this I could tell you that the prosecution documents at the first Nuremberg trial were approximately 4,500, 5,000, including affidavits, that the prosecution documents in all the subsequent trials which I have mentioned aggregated roughly 40,000 documents, including affidavits, but in addition, there were many defence documents… In fact, I would, without being able to give you exact figures, say that I have seen enormous quantities of defence affidavits which were received. Indeed, I used some of them, and they are in the footnotes of my work. But in no case can we speak of 300,000 affidavits. That would be, even if you include all of the defence affidavits, which are more than the prosecution affidavits, that would be excessive." (4-711, 712)

Griffiths continued reading from the pamphlet:

> Under these circumstances, any Jewish deportee or camp inmate could make any revengeful allegation that he pleased. Most incredible of all, perhaps, was the fact that defence lawyers at Nuremberg were not permitted to cross-examine prosecution witnesses…Moreover, the majority of witnesses were also Jews.

Hilberg testified that in the subsequent trials at Nuremberg, “there were state judges quite used to the rules of evidence and the usual business of what is and is not a legitimate question… one could not make a statement in any way at all in whatever way one pleased. There had to be some relevance. That is not to say that the statement was necessarily correct or that it was given any great weight, any more than my testimony is to be given quite a lot of weight, but it was a statement, and it had to have some relevance.”

It was “strictly falsehood” that defence lawyers were not permitted to cross-examine prosecution witnesses, said Hilberg. He had seen such testimony and used it. “I have gone through the trial testimony of these twelve subsequent trials and I can only state that defence lawyers used a lot of opportunities given to them, and they had these opportunities to cross- examine prosecution witnesses. They may, at some time, have elected not to do so because the testimony was too damaging and they just didn’t want to cross-examine.” (4-712, 713)

Hilberg also disputed that the majority of witnesses were Jews. “I can’t give you numbers, but there was a fair percentage of Jewish witnesses, but there was a very large number of non- Jewish witnesses. Some were victims, and a very large number of witnesses from the defence side. People were testifying about their superiors on trial, or their friend on trial. And moreover, there were prosecution witnesses drawn from the German bureaucracy as well. Some of these were called turncoats, but nevertheless there were people testifying for the prosecution, even though they, themselves, may have been in the SS or some other capacity involved in acts of destruction. So as far as that goes, as far as the statement about witnesses is concerned, yes, there were Jewish witnesses. Of course there were Jewish witnesses. But in no sense do they stand out in my mind as being a majority. Not at all.” (4-714, 715)

Griffiths referred to page 12 of Did Six Million Really Die?:

> Altogether more disturbing, however, were the methods employed to extract statements and “confessions” at Nuremberg, particularly those from S.S. officers which were used to support the extermination charge. The American Senator, Joseph McCarthy, in a statement given to the American Press on May 20th, 1949, drew attention to the following cases of torture to secure such confessions. In the prison of the Swabisch Hall, he stated, officers of the S.S. Leibstandarte Adolf Hitler were flogged until they were soaked in blood, after which their sexual organs were trampled on as they lay prostrate on the ground. As in the notorious Malmedy Trials of private soldiers, the prisoners were hoisted in the air and beaten until they signed the confessions demanded of them. On the basis of such “confessions” extorted from S.S. Generals Sepp Dietrich and Joachim Paiper, the Leibstandarte was convicted as a “guilty organisation". S.S. General Oswald Pohl, the economic administrator of the concentration camp system, had his face smeared with faeces and was subsequently beaten until he supplied his confession.

Hilberg had heard of Senator Joseph McCarthy and indicated he was not a historian. “I think the reference here,” said Hilberg, “was to a trial, so-called Malmédy trial. This, by the way, was not a Holocaust trial, but concerned a trial of SS people charged with shooting American prisoners of war… It concerns prisoners of war, wanton shooting of American prisoners of war. That is what this is all about… And in any case, the facts alleged here are so mixed up and so — it is hard to comment on it.” (4-715, 716)

Griffiths continued on to page 13 of Did Six Million Really Die? where Harwood alleged that Otto Ohlendorf, the commander of Einsatzgruppe D in the Ukraine during the war, was tortured by the Allies. With respect to this section of the pamphlet, Hilberg said, “…I know nothing about such torture and really find it a bit incredible… It is, to me, a little bit inconceivable that by 1947 or 8 prisoners in a war crimes trial under American custody, American military police, would have been tortured in a physical sense. I am not talking about whether they conceived the questioning as torture, but whether they would be tortured in a physical sense — I speak here as an ordinary person, not an expert — it is a matter of being an American and having lived amongst Americans and looking at what is and isn’t plausible, and I have never seen any document connected with this trial in which the defence alleged that there was torture.” (4-717, 718)

Griffiths referred Hilberg next to the portion of Did Six Million Really Die? dealing with Oswald Pohl. Hilberg testified that Pohl was “a high-ranking SS officer in charge of the so-called Economic Administrative Main Office of the SS and police mechanism. In his jurisdiction, among other things, was the management of concentration camps — not all camps, but those labelled as concentration camps. He also managed so-called SS enterprises, utilizing prisoners for labour. He also dealt with purely financial matters pertaining to the organization known as the SS and Security Police. That was his job.” (4-718)

Griffiths read a portion of the pamphlet’s section on Pohl at page 14:

> A peak point of hypocrisy was reached at the trial when the prosecution said to Pohl that “had Germany rested content with the exclusion of Jews from her own territory, with denying them German citizenship, with excluding them from public office, or any like domestic regulation, no other nation could have been heard to complain.” The truth is that Germany was bombarded with insults and economic sanctions for doing precisely these things, and her internal measures against the Jews were certainly a major cause of the declaration of war against Germany by the democracies.

Oswald Pohl was an extremely sensitive and intellectual individual who was reduced to a broken man in the course of his trial. As Senator McCarthy pointed out, Pohl had signed some incriminating statements after being subjected to severe torture, including a bogus admission that he had seen a gas chamber at Auschwitz in the summer of 1944.

With respect to the allegation that Germany’s treatment of the Jews was a major cause of the war, Hilberg commented that “it is common knowledge that Germany attacked Poland on September 1st, 1939, and that two days later Great Britain and France declared war on Germany.” (4-719)

Hilberg continued: “The correspondence that I have seen conducted by Pohl, and I now speak of documents with his signature, his handwritten signature, deals with such matters as the construction budgets for concentration camps — where to finance the money, be it for barracks or other installations, where to finance the ammunition for the guards. He dealt with the death rates in the concentration camps. He dealt with Auschwitz to a very considerable extent, because that was one camp under his jurisdiction — not all of them were, but Auschwitz was. So his duties, if we may call them that, encompassed the management of the concentration camp system, roughly twenty full-fledged concentration camps and the numerous satellite camps around them which contained hundreds of thousands of people at any one time, in which death at Auschwitz

and in other localities reached seven digits. And that was the man, Pohl. Now, by background, he was an accountant. He might have been mild mannered, although his correspondence is not mild- mannered." (4-720, 721)

Griffiths asked if there was anything, from Hilberg's examination of the documents, that indicated Oswald Pohl was tortured. Hilberg said, "No. I must make a comment here about Pohl that I made earlier about Ohlendorf or anybody else. I haven't seen any allegations of torture by the defence. The defence had every opportunity to raise such a statement, make such questions. I haven't seen any in the record. I have been through all the record. I am not even sure just what Senator McCarthy, even considering what he was and who he was, made a footnote in any of this material." (4-722)

Griffiths drew Hilberg's attention to a passage in the pamphlet at page 11:

> Should anyone be misled into believing that the extermination of the Jews was "proved" at Nuremberg by "evidence," he should consider the nature of the Trials themselves, based as they were on a total disregard of sound legal principles of any kind. The accusers acted as prosecutors, judges and executioners; "guilt" was assumed from the outset.

Griffiths indicated that what interested him was the phrase "guilt was assumed from the outset." Were all the people that were tried in the various Nuremberg trials convicted?, asked Griffiths.

"Oh, no," said Hilberg. "Not all. Some were exonerated. Some were convicted on some count, but not other counts." There was no uniform penalty for those who were convicted. "There were short prison sentences, some long ones, some life, a few death sentences. I could spot no uniformity. There was, perhaps, a tendency to impose more severe penalties on the members of the SS engaged in shootings, and lesser penalties on diplomats or white-collar people generally. That was the only distinction I could find in the sentencing procedure." (4-723, 724)

Griffiths turned to the next chapter in Did Six Million Really Die? which dealt more specifically with Auschwitz and read the following sentence at page 16:

> However, no living, authentic eyewitness of these "gassings" has ever been produced and validated.

"Well, there is certainly such witnesses," said Hilberg, "and some who retrieved the bodies — they would be Jewish workers, inmates — from the gas chambers. Here and there an SS person who said that he would look through the peephole in the door and witnessed gassings in that fashion. In Russia, where there were gas vans, occupied Russia, where gas vans were used, there were many witnesses because it was an outdoor undertaking, as the bodies, particularly, were being unloaded. So I would say that there were a fair number of witnesses. Not a huge number, a fair number." (4-724, 725)

These witnesses had testified in the past in trial proceedings, said Hilberg. "Most recently I suppose, in the West German trials conducted in the course of 1960 against death camps located in Poland, not Auschwitz, but other camps." Hilberg had read the transcripts and the statements that were taken in these trials. Hilberg had also read the book Eyewitness Auschwitz by Filip Müller. "He was a person deported from Slovakia in 1942 and remained in Auschwitz through 1944." Hilberg had not read any testimony given by Müller in court proceedings but was familiar only with his book. (4-725)

Griffiths asked Hilberg to comment on a map on page 17 of the pamphlet which made a distinction between concentration camps and death camps. Hilberg said, "I would characterize a death camp as one which was set up for the specific purpose of killing people, one in which there was an ongoing operation designed to kill as

many people as possible upon arrival. Under my definition, such camps were in Auschwitz. Not the whole of the Auschwitz camp, but in Auschwitz. Chelmno is indicated here [as a death camp]. Treblinka (https://encyclopedia.historiography-project.com/t/treblinka/index.html) is indicated here. Sobibor is indicated here. Belzec is indicated here. And to a limited extent, Majdanek, which the Germans simply referred to as Lublin. I would not include Stutthof, although it is on this map, also as a death camp. There were shootings going on, but one must remember that the definition of 'death camp' versus 'concentration camp' is sometimes semantic. In Stutthof, too, there were systematic shootings. I would look for systematic killings in the numbers of tens of thousands, or hundreds of thousands or more before I would personally characterize the facility as a 'death camp'." (4-726, 727)

Griffiths returned to Did Six Million Really Die? and read from page 18:

> In terms of numbers, Polish Jewry is supposed to have suffered most of all from extermination, not only at Auschwitz, but at an endless list of newly-discovered "death camps" such as Treblinka (https://encyclopedia.historiography-project.com/t/treblinka/index.html), Sobibor, Belzec, Majdanek, Chelmno and at many more obscure places which seem suddenly to have gained prominence. At the centre of the alleged extermination of the Polish Jews is the dramatic uprising in April 1943 of the Warsaw Ghetto. This is often represented as a revolt against being deported to gas ovens; presumably the alleged subject of Hitler and Himmler's "secret discussions" had leaked out and gained wide publicity in Warsaw. The case of the Warsaw Ghetto is an instructive insight into the creation of the extermination legend itself. Indeed, its evacuation by the Germans in 1943 is often referred to as the "extermination of the Polish Jews" although it was nothing of the kind, and layers of mythology have tended to surround it after the publication of sensational novels like John Hersey's The Wall and Leon Uris' Exodus.

Griffiths asked Hilberg to comment on the phraseology "an endless list of newly-discovered death camps" used in this passage. Hilberg replied, "Well, I would simply state that it is not an endless list, and it is not a case of newly-discovered death camps. Some of these camps were mentioned in the war. They were discovered to have existed by Polish underground personnel. One can find them mentioned in the New York Times during the war. So they are not as mysterious as is indicated here. That is not to say that much knowledge existed about these camps, because of the jurisdictional nature — that is to say, the reporting system from them. Not as many records have survived and, indeed, there have not been many people who survived these camps and, hence, also the testimony is less, and was not systematically gathered before the 1960s when the West German authorities conducted trials. Now, to the extent that the discoveries are 'new', yes, they were made in pursuance of several trials conducted by the West Germans against personnel of Treblinka, Sobibor, Belzec, Chelmno and, most recently, Majdanek." None of these trials, said Hilberg, were mentioned in the pamphlet. (4-729)

Griffiths turned to page 18 of Did Six Million Really Die? and read a long passage:

It has been established already that the 1931 Jewish population census for Poland placed the number of Jews at 2,732,600, and that after emigration and flight to the Soviet Union, no more than 1,100,000 were under German control. These incontrovertible facts, however, do not prevent Manvell and Frankl asserting that “there had been over three million Jews in Poland when Germany began the invasion” and that in 1942 “some two million still awaited death” (ibid, p. 140). In reality, of the million or so Jews in Poland, almost half, about 400,000 were eventually concentrated in the ghetto of Warsaw, an area of about two and a half square miles around the old mediaeval ghetto. The remainder had already been moved to the Polish Government-General by September 1940. In the summer of 1942, Himmler ordered the resettlement of all Polish Jews in detention camps in order to obtain their labour, part of the system of general concentration for labour assignment in the Government-General. Thus between July and October 1942, over three quarters of the Warsaw Ghetto’s inhabitants were peacefully evacuated and transported, supervised by the Jewish police themselves. As we have seen, transportation to camps is alleged to have ended in “extermination", but there is absolutely no doubt from the evidence available that it involved only the effective procurement of labour and the prevention of unrest. In the first place, Himmler discovered on a surprise visit to Warsaw in January 1943 that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers (Manvell and Frankl, ibid, p. 140); the Ghetto was also being used as a base for subversive forays into the main area of Warsaw.

“Now, of course,” said Hilberg, “this paragraph perhaps stands out for containing more errors, misstatements and some outright preposterous nonsensical matter. You know, it’s hard to comment, but I'll try. The census of 1931 is incorrectly reproduced here. It was not 2,732,600. It was over 3 million. The error here is in attributing 2,732,600 to 1931 instead of to an earlier census in the 1920s. So we start out with an error that may have been an honest error, but it is incorrect. There is a statement that, 'after the emigration and flight to the Soviet Union, no more than 1,100,000 were under German control.' I have no idea where that number, 1,100,000, came from in this passage. All I could tell you is that there is a report that indicates, to a considerable degree of accuracy, how many Jews were located under German control at various times. We know that this number was approximately 2 million after Poland was divided — that is to say, in the western portion of Poland in 1939, and we know that, except for a quarter of a million that succeeded either in escaping to the Soviet Union or in being in the Red Army or in having been deported by Soviet authorities, except for that, roughly a quarter of a million, almost the entire Jewish population of Poland aggregating over 3 million, was caught between 1939 and 1941 under German control. So in short, not 1,100,000, but somewhat over 3 million.” (4-732, 733)

Griffiths asked Hilberg to explain why he believed only 250,000 Jews escaped into the Soviet Union. Hilberg replied, “There is a report, and this is just one of several, by a statistician employed by the SS whose name was Korherr. This report was made with all the statistics gathered to the end of 1942, and a supplement for three more months to the period March 31st, 1943. In this report are detailed the figures of Jews under German control by region. And we know, therefore, how many of these people were under German control at given periods of time. But in addition there are detailed figures where specific districts, and where specific cities, some of them actually published in print by German authorities, others contained in German documents, that enable us to pretty accurately determine how many Jews were, indeed, under German control. And these are the figures that I just gave you. Now, how do we know how many people did escape to the Soviet Union? We

do not know this directly. We have no figures from the USSR. We have only the data gathered after the war of those of the Jews who were able to escape who made it back. Since all these Jews were Polish citizens, they were given the opportunity to go back. They did not, of course, stay in Poland, but became displaced persons, and they were roughly 180,000 of them. I said perhaps a quarter of a million succeeded in escaping. I am attributing deaths to some of them. After all, they were fighting in the Red Army to some extent, or they perished while escaping, but the figures are within limits roughly a quarter of a million escapees. We know that, after the war, the number of Jews under German control in Poland, those that have been in Poland, was extremely few. The Korherr report, fewer than 300,000 Jews remaining in the so-called Government General, plus 80,000 that remained in the ghetto of Lodz, plus a certain number, not very many, sometimes thousands, in Bialystok, plus a handful in the eastern districts of Volhynia. By March 1943 a census was made by the Germans, and only 202,000 Jews were left in the General Government, indicating a further decline. Subsequent detailed reports indicate that this decline continued. Why 300,000, then 200,000, then fewer? Because the Germans were trying to retain Jewish labour, skilled labour, for as long as possible, with the proviso that also Jewish skilled labour had to disappear one day. Thus, as soon as there were Polish or Ukrainian or other replacements for this labour, Jewish labour was killed and replaced by non-Jewish labour. Thus we see a controlled process of reduction by shooting and by gassing in Poland with the result that of the pre-war population of roughly 3,350,000 as of September 1939, the death toll attributable to the Holocaust is close to 3 million, Poland alone, pre-war boundaries." (4-734 to 736)

Hilberg explained the make-up of the Government General of Poland during the war. "…the Government General consisted of five districts — the district of Warsaw, the district of Radom, the district of Lublin, the district of Cracow, and the district of Galicia. It didn't include territories of Poland included into the German Reich, and it didn't include certain other eastern territories inhabited by population attached to the Ukraine or, in the case of Russian population attached to the so called Ostland. But the so-called Government General did contain roughly two- thirds of the Polish Jews. Indeed, it contained perhaps two-thirds, or close to two thirds of the population of pre-war Poland." (4-736)

Griffiths asked whether there was any documentation indicating whether there were factories or someplace where Jewish labour could be used in the death camps of Treblinka, Sobibor, Belzec and Chelmno. Hilberg replied, "Belzec was a pure killing facility without any production of any kind whatsoever. Treblinka was a pure killing facility. There was a neighbouring camp by the same name which was much smaller which did have a very small SS- operated granite works. Sobibor was a pure death camp which did establish, late in 1943, a facility for making ammunition, or rehabilitating ammunition, very small. Chelmno had absolutely no facilities for production of any kind. These were extremely small camps in diameter. They were used exclusively for killing." (4-737)

Griffiths referred Hilberg to page 19 of Did Six Million Really Die? where Harwood dealt with the Warsaw ghetto uprising:

After six months of peaceful evacuation, when only about 60,000 Jews remained in the residential ghetto, the Germans met with an armed rebellion on 18th January, 1943. Manvell and Frankl admit that “The Jews involved in planned resistance had for a long time been engaged in smuggling arms from the outside world, and combat groups fired on and killed S.S. men and militia in charge of a column of deportees.” The terrorists in the Ghetto uprising were also assisted by the Polish Home Army and the PPR — Polska Partia Robotnicza, the Communist Polish Workers Party. It was under these circumstances of a revolt aided by partisans and communists that the occupying forces, as any army would in a similar situation, moved in to suppress the terrorists, if necessary by destroying the residential area itself. It should be remembered that the whole process of evacuation would have continued peacefully had not extremists among the inhabitants planned an armed rebellion which in the end was bound to fail. When S.S. Lieutenant-General Stroop entered the Ghetto with armoured cars on 19th April, he immediately came under fire and lost twelve men; German and Polish casualties in the battle, which lasted four weeks, totalled 101 men killed and wounded. Stubborn resistance by the Jewish Combat Organisation in the face of impossible odds led to an estimated 12,000 Jewish casualties, the majority by remaining in burning buildings and dug outs. A total, however, of 56,065 inhabitants were captured and peacefully resettled in the area of the Government-General. Many Jews within the Ghetto had resented the terror imposed on them by the Combat Organisation, and had attempted to inform on their headquarters to the German authorities.

Griffiths asked Hilberg whether any reports existed with respect to this event. Hilberg said, “Yes. There is a report by the highest SS and police officer in the area whose name was Stroop. He was in charge in 1943. He made a long report indicating clearly, in writing, where the Jews went in 1942. He said 310,000 were transported to Treblinka, which is a death camp. Now, of the population in this ghetto in 1942, sixty or seventy thousand were left over after that deportation, half of them registered, the other half more or less in hiding. The registered inmates were used in production. So in January yet another six or seven thousand were deported, and following that deportation yet another action began to liquidate the ghetto in its entirety, but that was the liquidation of a remnant.” (4-738)

Griffiths asked whether Hilberg remembered Stroop giving a figure of 56,065 in his report. Hilberg replied, “Yes, he does. That’s his figure of Jewish dead.” (4-741)

So when Harwood spoke of peacefully re-settling that number from the Government General, what was he talking about?, asked Griffiths. Hilberg said, “Well, of course, this whole passage is a complete falsehood in that it converts figures of dead into figures of presumably living people. And the only correct statement in the entire passage is that the assault began on the 19th of April, and Stroop did report 101 casualties, 16 killed and 85 wounded. Everything else here is pretty wrong.” (4-741)

Hilberg testified that he had checked other documents which indicated where Jews from the Warsaw ghetto were taken. “In Germany, as I mentioned… there was a trial of Treblinka personnel — that is to say, people who served in the German guard forces and its commanders — and there is, of course, a good deal of testimony in the trial record as to the arrival of the Jews of the Warsaw ghetto in Treblinka.” (4-742)

Hilberg had also studied railroad schedules. These had become a particular interest of his and played a “very important role” in his study of the Holocaust, “because although there aren’t very many of these railroad schedules, they indicate a great deal about the strategy of the German deporting agencies — for example, why the camps were located where they were located in Poland. The answer is that the Germans — that is, the Gestapo, as the shipping agents, the Security Police which is the larger element of Gestapo and police, had to pay the German railways for each transport of Jews, the one-way fare per person, third class, per track kilometre. The longer the trip, the heavier the bill. It was thus in the financial interests of the deporting agencies to make those trips as short as possible and to locate the death camps where Jewish population was most heavily, most densely found. The trip, for example, in kilometres from Warsaw to Treblinka is relatively short. That is to say, the bill could be met. It was met, as reported by an SS officer, by selling old clothes, belongings, the currency of those of the gassed, and thus the bill was paid with the belongings of the dead Jews. This is clearly stated in a final report… by a man in charge of collecting and distributing the final belongings of the dead, the personal belongings that were collected in the death camps. Everything was salvaged. Everything was routed to some final purpose and final route, and insofar as any money was to be gotten from it, the expenses of the death operations, including transport costs and the cost of the camps were defrayed. The rest of the money became part of the Reich budget. It was an income to the Reich. That is the way it was done. Now, these railway schedules make clear that the transportees, the deportees, had to be counted for the simple reason that payment had to be made for each one. The counting was necessary for financial purposes. This tells me a great deal about everything that transpired here. We see lots of trains going to a few small places like Treblinka and Sobibor which, on the map, are villages, which on the map are found to be places with a few hundred inhabitants nearby, and all of a sudden you find hundreds of thousands of people going to these places on one-way trips, and the trains returning empty… That is what the documents indicate.” (4-743 to 745)

Griffiths turned Hilberg’s attention next to page 28 and the pamphlet’s treatment of Paul Rassinier:

> Without doubt the most important contribution to a truthful study of the extermination question has been the work of the French historian, Professor Paul Rassinier. The pre-eminent value of this work lies firstly in the fact that Rassinier actually experienced life in the German concentration camps, and also that, as a Socialist intellectual and anti-Nazi, nobody could be less inclined to defend Hitler and National Socialism. Yet, for the sake of justice and historical truth, Rassinier spent the remainder of his post-war years until his death in 1966 pursuing research which utterly refuted the Myth of the Six Million and the legend of Nazi diabolism.

Hilberg had read the German translation of Rassinier’s book but had never met Rassinier or corresponded with him. Griffiths asked Hilberg to comment on the methodology used by Rassinier in his work. “I would characterize it in one word,” said Hilberg, “as fabrication… Simply because Mr. Rassinier will say thus and thus must have happened, and attach figures to his opinion which come out of thin air. Thus and thus, notwithstanding any evidence, did not happen, and thereby attach figures to justify what he says.” (4-746, 747)

Griffiths read from page 29 of the pamphlet:

> With the help of one hundred pages of cross-checked statistics, Professor Rassinier concludes in Le Drame des Juifs européen that the number of Jewish casualties during the Second World War could not have exceeded 1,200,000, and he notes that this has finally been accepted as valid by the World Centre of Contemporary Jewish Documentation at Paris. However, he regards such a figure as a maximum limit, and refers to the lower estimate of 896,892 casualties in a study of the same problem by the Jewish statistician Raul Hilberg. Rassinier points out that the State of Israel nevertheless continues to claim compensation for six million dead, each one representing an indemnity of 5,000 marks.

Hilberg testified that “the only correct statement in the paragraph” was that his name was Raul Hilberg. Hilberg said he was “actually not” a statistician. He never gave an estimate of 896,892: “not in my book, not in any of my published work, not in any of my unpublished statements that I ever made, not of any kind.” Hilberg believed the figure came from “a calculation, if we may call it a calculation, made by [Rassinier] in which he took two columns. Before and after columns, Jewish population in 1939, Jewish population in 1945, adjusted for anything such as migrations or war casualties. He did not subtract the last column from the first. He subtracted one column from the other, which gave him a number such as 5.4 million… And then he decided that he would have to proceed in this number in order to render it into something proper, so he deducted from it various figments of his imagination, numbers that he concocted, and came up with a bottom line, his, not my bottom line, of 896,892. Here the figure is attributed to me.” (4-748, 749)

Hilberg indicated that his calculation of the Jewish death toll in the Holocaust was in fact over 5 million. “I have broken it down, particularly in the second edition. I can break it down by cause. I can break it down by locality, and now I could even break it down by time, by year… I would say that of this 5.1 million rounded figure in which the term 'Jew' is taken as the one adopted by the Germans, roughly up to 3 million were deaths in camps. The vast majority of them, of course, were gassed, but several hundred thousands in these camps were shot or dying of privation, starvation, disease and so forth; that a 1.3 million or a 1.4 million were shot in systematic operations… such as those of the Einsatzgruppen, but not limited to Einsatzgruppen operations, shot in primarily the occupied USSR, Galicia, but also Serbia and other localities, and that the remainder, deaths from conditions in the ghettos, which can also be calculated because the Korherr reports has numbers about such deaths, and because individual ghettos, Jewish councils in these ghettos sent reports to German agencies. We have these reports indicating the monthly death tolls in such places as Warsaw, which was the largest ghetto, and Lodz, which was the second largest ghetto. We also have data about Lvov, which was the third largest ghetto. Thus we do have a pretty good idea of the death rate in the ghettos which, at the peak, in 1941, was one percent of the population per month.” (4-749 to 751)

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Griffiths referred Hilberg to page 30 of the pamphlet and asked him to comment on the following paragraph:

> Contrary to the figure of over 9 million Jews in German- occupied territory put forward at the Nuremberg and Eichmann trials, it has already been established that after extensive emigration, approximately 3 million were living in Europe, excluding the Soviet Union. Even when the Jews of German- occupied Russia are included (the majority of Russian Jews were evacuated beyond German control), the overall number probably does not exceed four million. Himmler's statistician, Dr. Richard Korherr and the World Centre of Contemporary Jewish Documentation put the number respectively at 5,550,000 and 5,294,000 when German- occupied territory was at its widest, but both these figures include the two million Jews of the Baltic and western Russia without paying any attention to the large number of these who were evacuated.

Hilberg testified that the Richard Korherr referred to in the passage was the chief statistician of the SS and police. Korherr's report, said Hilberg, "runs for something like ten, twelve pages, plus appendixes. It's a report packed with figures." In Hilberg's opinion, the figures quoted by Harwood bore "no resemblance to what is in the Korherr report. Obviously they are totally out of context and inaccurate." (4 755, 756)

Griffiths read from the top of the next column in the pamphlet:

> It is very significant, therefore, that the World Centre of Contemporary Jewish Documentation in Paris now states that only 1,485,292 Jews died from all causes during the Second World War, and although this figure is certainly too high, at least it bears no resemblance at all to the legendary Six Million.

Hilberg was not familiar with any organization by the name of the World Centre of Contemporary Jewish Documentation in Paris and he doubted that it existed, "but possibly reference is made to a centre in Paris which has a similar name, but that centre has not published, to my knowledge, any figure resembling 1,485,292 as the total number of Jews that died from all causes during the Second World War." The centre in Paris was the Centre for Documentation of Contemporary Jewry. "It's not a world centre in any sense of the word," said Hilberg, "It's a small research organization, and from my knowledge of its publications, it's never published any figure in the vicinity of 1,485,000 as the Jewish toll." (4-756, 757)

Griffiths returned to Did Six Million Really Die? and read from page 30:

> Doubtless, several thousand Jewish persons did die in the course of the Second World War, but this must be seen in the context of a war that cost many millions of innocent victims on all sides. To put the matter in perspective, for example, we may point out that 700,000 Russian civilians died during the siege of Leningrad, and a total of 2,050,000 German civilians were killed in Allied air raids and forced repatriation after the war. In 1955, another neutral Swiss source, Die Tat of Zurich (January 19th, 1955), in a survey of all Second World War casualties based on figures of the International Red Cross, put the "Loss of victims of persecution because of politics, race or religion who died in prisons and concentration camps between 1939 and 1945" at 300,000, not all of whom were Jews, and this figure seems the most accurate assessment.

With respect to this passage Hilberg said, "I am not familiar with any such statistics by the International Red Cross or, for that matter, any other organization, and I could not give you the source of it. I don't know whether it's an invented datum here or taken from some publication which I have never heard of." (4-758, 759)

Griffiths asked Hilberg how extensive the academic body studying the Holocaust was. Hilberg testified, "There are, no doubt, several… highly trained researchers still alive or, in fact, young, working in this area within the United States, here in Canada, in western Germany, in Israel, in other countries. It's not a very large group, but there are several dozen… I can give you some names without trying to say that these are the top researchers… In western Germany there is probably, by now, the largest single group researching the Holocaust. A young person, [Uwe Dietrich] Adam, an older person, Helmut Krausnick, who, incidentally, was in the German Foreign Office during World War II, but a very capable and objective historian of the Holocaust. He wrote, as co-author, a book numbering many hundreds of pages about the Einsatzgruppen and the Holocaust in print. In France the leading researcher is Leon Poliakov. In the United States, on the west coast, Christopher Browning. In Canada, at the University of Toronto, Professor Marrus in the Department of History. On the west coast in British Columbia, Professor Conway in the Department of History. In Israel, naturally, there are several historians — a Professor Bauer, Professor Gutman. I am not giving you all of the names. I am trying to pick names from several countries… They are all published, and this publication goes on, and one can pick up the newspapers and see reviews of books coming out concurrently. The most recent review is of that of an English researcher, Gerald Fleming." (4-759, 760)

Griffiths asked Hilberg whether any of these researchers denied that millions and millions — 5 to 6 million — Jews were annihilated as a result of Nazi German policy during World War II. "No," said Hilberg, "There is no such denial." (4-761)

When he began his research in 1948, there were not many people working in the field. "In fact, I believed myself to be alone. As it happened, Professor Poliakov was working in Paris, and Mr. Reitlinger was working in England, but I wasn't aware of the fact, and I did not know them." (4-762)

Griffiths concluded his examination of Hilberg by asking him whether he was a member of any conspiracy or hoax or fraud to falsify the scope and tragic proportions of the annihilation of the Jews. Hilberg replied, "I understand the question. I am not a member of a conspiracy or agreement, nor any of the combination of persons dedicated to finding conclusions in advance of research, and certainly no hoaxes." (4-764)

Defence attorney Douglas Christie rose to cross-examine Hilberg and commenced by asking him if he had criticized Did Six Million Really Die? for not having footnotes. Hilberg said, "Well, of course, I do not mean to say that every single publication must have footnotes, but when there is an allegation of purported facts such as appear in this pamphlet, which are so much at variance with the accepted knowledge, one is entitled to ask for a source in the form of a footnote, so that one may, as a reader, check the information." (4-764)

I simply put it to you, said Christie, that you have criticized the booklet for not having footnotes, sir. Correct or incorrect?

Hilberg replied, “Subject to my answer just before, you are correct in assessing my answer.” (4-765)

And isn’t it true, asked Christie, that in your entire evidence, today and yesterday, in your broad, sweeping statements of fact, you have not yourself produced one single document to support anything you have said?

“I have made verbal, oral references to documents. The matter of introducing documents in the form of pieces of papers I need hardly tell you, as an attorney, is a matter for the government to decide. I am not the person introducing documents at any time in any court whatsoever. I am simply a witness trying to explain what I know,” said Hilberg.

Then you would agree, said Christie, that the simple answer is 'no', and the reason is because the Crown hasn’t introduced them through you. Is that your evidence?

“Well, as you just restated the matter, I could accept it broadly, but I wish to remain with my words.” (4-765)

I want to understand your words, said Christie. Very simply, that you have yourself, whether it’s through the Crown’s decision or yours, not produced one single document to support what you have said. Isn’t that true?

Hilberg replied, “I have not presented pieces of paper, nor do I deem it my function to do so, but I have orally referred to pieces of paper.”

Yes, said Christie, you have mentioned the existence of hundreds of orders and hundreds of train railway schedules and special trains but you have not produced one single example, sir. Have you?

“I have given you oral examples, with leaving out only the document numbers. And if you wish, you can check them in a book I have written. Quite a few are in there.”

Hilberg confirmed that he had testified that his methodology was that of an empiricist and that he tried to find out how, but not why, the 6 million were killed. Christie put to Hilberg that at no time did he ever inquire as to whether the 6 million did in fact die.

Hilberg replied, “The empirical method is one in which one must make certain initial determinations of what happened. In my case, these initial determinations were based upon a cursory examination of documentation pertaining to this event. By 'cursory', I don’t mean one or two documents, but I mean a study, after some months, of the then available documentation. Without saying a word in the public or without printing anything, without writing anything, I then said to myself, 'Let us take this initial source pile and ask, what exactly happened here.' Now, the what and the how are the same, and it is in this method, and by these means, that I proceeded to construct the picture, step by step, detail by detail. That is not to say that my initial thoughts or findings were in all respects one hundred percent correct, but the fact of the Holocaust was certainly confirmed over and over.” (4-768)

Christie indicated that he wanted a simple answer to his question so that he as a simple person might understand it. I asked you if your method was to find out how it happened, said Christie, not why it happened. Do you agree?

“That’s correct,” said Hilberg.

I asked you if you ever made an effort to determine if 6 million really died and your answer was you made an initial determination of what happened on the basis of a cursory examination of the available data. Right?, asked Christie.

“That, in order to decide for myself, and myself only, whether to invest my time, and as it turns out my life, in this project…Who would want to spend a lifetime in the study of something that did not happen?, “ said Hilberg. He confirmed that he “made an initial determination” that 6 million died: “It would be called a presumption. That is rather rebuttable. It could be destroyed. It could be abandoned upon the finding of contrary evidence.” (4-769)

Hilberg agreed that he had given his opinion on a wide range of subjects involving the concentration camps and what he called the death camps: “I have formed opinions,” he said. (4- 770)

Have you ever visited Bergen-Belsen?, asked Christie.

“No,” said Hilberg.

Have you visited Buchenwald?, asked Christie.

“No.”

Have you visited Dachau?, asked Christie.

“No, I have not visited — I can tell you, to save your questions,” said Hilberg, “I have visited only two camps… Auschwitz and Treblinka.” (4-771)

Hilberg testified that there were three parts to Auschwitz, the first called Auschwitz, the second called Birkenau and the third called Monowitz. They were also sometimes called Auschwitz I, II and III. Hilberg had visited Auschwitz and Birkenau but not Monowitz. (4-771)

Hilberg had visited Auschwitz and Birkenau once and Treblinka once in 1979 after he wrote his first book. (4-772)

So you wrote a book about a place before you went there, suggested Christie.

“I wrote a book on the basis of the documents,” said Hilberg, “…I did not write a book about the place. I wrote a book about an event in which a place is mentioned, albeit repeatedly.”

Hilberg agreed that he had written about what happened in a place before he went there on the basis of what he had seen in documents. (4-773)

So we agree, said Christie, that you wrote the book before you ever went to the place you were writing about?

“That’s correct,” said Hilberg.

When you went to Auschwitz once in 1979, how long did you stay there?, asked Christie.

“One day,” said Hilberg.

And to Birkenau?, asked Christie.

“That was the same day.”

And to Treblinka?

“That was another day,” said Hilberg.

Hilberg agreed that he had spent “something like” one day in Treblinka, and perhaps a half day in Auschwitz and a half day in Birkenau. (4-774)

Hilberg found “one gas chamber, in good condition, but partially reconstructed, in Auschwitz I… In Auschwitz I there is only one gas chamber. There was never more than one, to my knowledge, in Auschwitz I.” (4-774)

This knowledge was based on “documents,” said Hilberg. “I have studied the documents… Including those pertaining to construction and, thus, was aware, many years before I ever set foot in Auschwitz, that there was a gas chamber in Auschwitz in the first old part of the camp which was in use prior to the establishment of additional gas chambers in Auschwitz II, known as Birkenau.” (4-775)

In Birkenau, two gas chambers were established in 1942, said Hilberg. He knew this “on the basis of documents, not observation… Two so-called huts, bunkers, were established in Birkenau. They were temporary structures. There were no crematoria in these buildings. The bodies were first buried, subsequently

disinterred, and burned… Not until 1943, after extensive building lasting many months, were four massive structures created in Birkenau. Those are labelled 1, 2, 3, 4 in a new enumeration… The structures contained gas chambers and crematoria." (4-776, 777)

So did you see them on the day you were there?, asked Christie.

"What I saw were the ruins," said Hilberg.

Christie produced a map and asked Hilberg if it was a map of Auschwitz I.

"Well, it does bear the resemblance to what I recall as Auschwitz I," said Hilberg. "Nothing seems to be labelled here."

Christie agreed nothing was labelled. Is there anything there that you can see that is in any way different from what you saw?, he asked.

"Well, you are showing me a building plan and what's around in a place when one does not walk with a building plan, but there is no discernible difference from what I recall seeing there today and what's on this building plan, or this outline."

Have you ever seen a building plan of Auschwitz I before?, asked Christie.

"Oh, yes."

Does it look different than that?, asked Christie.

"No. It bears a resemblance. It may be exactly the same as what I have seen before, but I would have to have the two documents in front of me to be utterly precise. I mean, there are documents and there are documents. If you are going to show me building plans, photographs, diagrams, I do not have the same competence as I would with documents expressed in words." (4-777, 778)

Hilberg testified that he would accept the document as an accurate layout of the camp "within the limits that I have just stated, that is to say, I cannot be quite as confident as I would be with a document in words. It does, certainly, reveal the features that I recall having seen before." (4-778; Plan of Auschwitz I entered as Exhibit F)

Christie asked whether Hilberg recalled testifying the previous day that the figure of 56,065 in the Stroop Report was Stroop's figure "of Jewish dead" and whether he wanted to change that evidence in any way.

"That is a figure of Jewish dead," said Hilberg.

Christie produced the Stroop Report as reported in the transcript of the International Military Tribunal (IMT), Document 1061-PS and suggested to Hilberg that the figure of 56,065 did not say "killed" at all.

"They say annihilated, vernichten," said Hilberg.

It means "annihilate" to you, does it?, asked Christie.

"I dare say it means 'annihilate' to anyone familiar with the German language, and it is so written in any dictionary," said Hilberg. (4-779 to 781)

Christie put to Hilberg that the judgment of the International Military Tribunal did not agree with Hilberg's interpretation. Christie read from page 494 of the judgment:

Stroop recorded that his action at Warsaw eliminated "a proved total of 56,065 people. To that we have to add the number of those killed through blasting, fire, etc., which cannot be counted."

Christie put to Hilberg that the judgment used the word "eliminate" not "annihilate."

"My only answer is that in the judgment, the term 'eliminated' may have been used as a synonym for 'annihilated', because the German word vernichten leaves no doubt. It is not an ambiguous word. It means 'annihilate,'" said Hilberg. (4-781 to 784)

Christie asked Hilberg whether he was familiar with the historian, Hugh Trevor Roper. Hilberg testified that he did not know Trevor-Roper personally but knew he was a British historian who had published many books on this subject. (4-784) Trevor-Roper had provided the Introduction to a book entitled A Pictorial History of the SS, 1923-1945 by Andrew Mollo in which the author had written:

Jewish losses amounted to many thousands buried in the rubble, 57,000 taken prisoner, 22,000 were sent to various concentration camps, and between 5,000 and 6,000 escaped. German losses were sixteen dead and eighty-five wounded.

“That is not the account or the summary that I would give,” said Hilberg. “It leaves ambiguities and holes. The figures don’t quite add up, and I am somewhat hesitant to endorse this description, since we do have the original document and we can do better than that.” (4-785, 786)

Hilberg denied that the word “eliminated” was a more accurate translation of the German word vernichten. He said, “People were taken and shot upon being taken prisoners, and this means annihilation, or they were…sent to Treblinka, where they were gassed, which means 'annihilation'… they were sent to Lublin to be annihilated.” (4-786)

You have now interpreted the words as being annihilated, not at this time, but somewhere else now. Is that right?, asked Christie.

“Partially at this time, and partially in subsequent killings,” said Hilberg.

Christie pointed out that his previous testimony was that the 56,065 were reported as “Jewish dead” in the Stroop report itself, but now he seemed to be interpreting that to mean some of them were killed later at Treblinka.

Hilberg denied this. “It wasn’t my evidence today or yesterday. In the pamphlet — and this was what the question was about — the number was cited as people who were alive then, later, and presumably after the war… that is my interpretation of the pamphlet, and that is the nature and the thrust of what was said there.” (4-787)

Christie suggested they return to Did Six Million Really Die? to see exactly what was said. Hilberg admitted it was true, as alleged in the pamphlet, that people in the ghetto opened fire on the armed forces under SS Lieutenant-General Stroop when they entered the Warsaw ghetto on April 19. (4-788, 789)

Are you familiar with the British and American rules of land warfare?, asked Christie.

“I'm familiar with the international law respecting land warfare,” said Hilberg. “If you are going to be specific about British and American, I am not sure how familiar you wish me to be… I can say that I am somewhat familiar. I can’t say that I am totally familiar, or totally unfamiliar.” (4-789)

Hilberg admitted that he was familiar with the British and American rules of land warfare justifying reprisals against partisans or those in occupied territory who opened fire on armed soldiers. (4-790)

Is it not true, asked Christie, that after the capitulation of Germany, the same process of taking reprisals was used by the British and Americans?

“I have no knowledge of any such event as you describe,” said Hilberg.

You are unaware of threats to shoot fifty Germans for every American soldier shot?, asked Christie.

“Pardon me,” said Hilberg, “but that is the first time I heard of it.”

Hilberg admitted it was true, as stated in the pamphlet, that Stroop came immediately came under fire and that in the ensuing battle which lasted four weeks, German and Polish casualties totalled 101 men killed and wounded. (4-791)

Christie read a further statement from the pamphlet at page 19:

> Stubborn resistance by the Jewish Combat Organisation in the face of impossible odds led to an estimated 12,000 Jewish casualties…

“The term 'casualties' here is a bit ambiguous,” said Hilberg. “In other words, take the simple matter at face value of 101 dead and wounded on the German side, and then, whether you wish to say 12,000, 56,000 or 70,000, what kind of ratio is that?… 'Casualty' implies being wounded or killed in combat.”

You don’t think there was combat going on it the Warsaw ghetto at that time?, asked Christie.

“What I believe is that in no sense, [were there] 12,000 or 15,000 or 50,000 combatants on the Jewish side… I am well aware of the sources, and I have, indeed, spoken to members of those that survived in this battle in hiding and so on, and the estimates, my estimate was 1,500 combatants on the Jewish side, which was a high estimate, a very high estimate. I have since seen, in Gutman’s book, an estimate of 750. He is a very well informed researcher who happened to have been there.” (4-792, 793)

So you are trying to explain why there aren’t 12,000 casualties. Is that right?, asked Christie.

“I am saying that it is mislabelling to say that someone gunned down an old woman, a child, without arms in his hands, as a 'casualty', because 'casualty' presumes in this context combat, that the person has been fired on because he fired,” said Hilberg.

Hilberg agreed that guerrilla warfare involved people shooting from buildings without announcing their presence: “Yes, I am familiar with that. I was a soldier.”

If 1,500 armed partisans are in a massive building structure then, asked Christie, can you decide who is a guerrilla and who is not? How do you figure that one out?

“It is not a simple matter to decide,” agreed Hilberg, “but I would say to you, sir, that the entire enterprise of so-called 'clearing the ghetto' had been decided by German authorities prior to the commencement, with a view to liquidating this ghetto in its entirety… That is partially in the Stroop report. It is partially in other documents…”

Christie put to Hilberg that nowhere in the Stroop report did it say anything about liquidating the entire population of the Warsaw ghetto.

“Well, I can only read the report in its entirety,” said Hilberg. (4-793, 794)

Christie pointed out that the report was in front of him and requested that he find the part that spoke of liquidating the members of the ghetto.

“On page 635,” said Hilberg, “…There is mention made of a major action which was to last three days to forcibly, as they say, relocate the enterprises that were then in the ghetto, and then it goes on to describe how this Grossaktion, this major action, began on the morning of the nineteenth. The intention was, in short, to liquidate the ghetto.”

So “relocate” to you means “liquidate"?, asked Christie.

“Absolutely. By 'liquidate' I mean the physical removal of everything in this ghetto. Not just people, but the enterprises, the machinery of these enterprises. Everything.”

So relocating everything is what you mean by “liquidating the ghetto"?, asked Christie.

“Now, now, relocating,” said Hilberg. “Machines were to be saved. Skilled labourers, to some extent, were initially to be saved. Everybody else was to be annihilated.”

Christie pointed out that the word Hilberg had read out from the report was “relocated.”

“That’s correct. Yes, that is the correct…”

That doesn’t indicated an intention to annihilate to me, said Christie. Does it to you?

“Yes,” said Hilberg. “That is the difference between us, you see, because I have read thousands of German documents and you haven’t.”

In Hilberg’s view, the word “relocate” meant “to relocate in certain contexts…I am not alone in knowing the context. I have mentioned colleagues and fellow workers who know the context also.” In this case, the word “relocate” meant “liquidation…To encompass both people and goods and machinery… initially there was the view and the attempt and the purpose of saving some skilled labourers. This plan was not to come to fruition.” (4-794 to 797)

Christie said he was not interested in Hilberg’s interpretation of the plan but in what the Stroop report said about the plan and so far it was clear it said “relocate the ghetto.”

“Well, actually the relocation refers specifically to the enterprises,” said Hilberg.

Hilberg agreed again that the Germans were fired upon when they entered the ghetto by, in his opinion based on what he had read, “at most 1,500” partisans. (4 798)

Did they have guns?, asked Christie.

“To the best of my knowledge, judging from what the Stroop report itself states, they may have had three automatic weapons, one light machine gun, and possibly two other grease guns… Stroop mentioned something like fifty-nine rifles captured. There were not many more. The armament consisted of pistols, home-made explosive devices, things of that sort. Anyone with any military experience knows that the total armament of the ghetto did not total then what was in the infantry company.”

Christie suggested that it would be hard for a person in the street to know what was inside a building.

“Well, they had some idea,” said Hilberg. But he agreed that he “would have to say that their intelligence wasn’t very great in those days.” (4-799)

Hilberg agreed that what occurred was a battle although he considered it a very uneven battle. In his opinion, the 12,000 were victims of, “If I may use a simple word, murder.”

Christie put to Hilberg that people who shoot on soldiers from civilian hiding places were in breach of the rules of warfare and did not have the rights of prisoners of war.

“It is my understanding,” agreed Hilberg. “Given as a soldier, going all the way back, that one uses necessary force. Now, necessary force is limited.”

Christie pointed out that these people were shooting from inside buildings which collapsed when they were fired upon, and people were buried in the buildings.

“People also surrendered and were shot upon surrender, in large numbers,” said Hilberg. (4-800)

Is that right?, asked Christie. Did you have something in the Stroop report to indicate that?

“Oh, I think the figures and the numbers and, may I add, the photographs, since they are abundant… indicate what happened. They show people surrendering,” said Hilberg.

Christie pointed out that Did Six Million Really Die? alleged there were 12,000 casualties. Did Hilberg dispute that? Was it his evidence that more than 12,000 were killed?

“You are now mixing up several things,” said Hilberg. “The figure 12,000 comes from your sources, and not the document. It comes from the one I am not familiar with… I would suggest to you, sir, that as I said before, the term 'casualty' has certain connotations… To me in the context of battle a 'casualty' is a person who falls in battle.” Hilberg did not agree that “casualties” meant only dead people. (4-801) In Hilberg’s view, “there was a battle, but I think that there was a much greater slaughter.”

You feel, suggested Christie, that more force than was necessary was used.

“Excuse me, sir. You are trying again to put words into my mouth… Let me answer with the following qualifications, which… are very, very serious, because the term as you used it suggests a mode to this whole problem whereby the liquidation of the ghetto of Warsaw was 'necessary' as something I would accept as necessary, that the impartial observer would accept as necessary. And I would have to reject that, the notion, the idea, without going into the motivations whatsoever, that the Holocaust or any part of it was 'necessary.'” (4-802)

Was the statement in the pamphlet that there were 12,000 casualties true or false?, asked Christie.

“I would not accept the figure 12,000 out of context,” said Hilberg, “nor do I accept the terminology 'casualty' for the occurrences in the ghetto of Warsaw during the spring of 1943 insofar as they appear to be attached to such large numbers.”

Christie indicated that with the greatest of respect he did not understand this answer but would move to another question on the Warsaw ghetto. Christie referred to the following sentence at page 19 in Did Six Million Really Die?:

> A total, however, of 56,065 inhabitants were captured and peacefully resettled in the area of the Government-General.

Hilberg testified that this was “absolutely” false.

Christie asked if Hilberg would not agree that other sources, such as the book A Pictorial History of the SS: 1923-1945 suggested that this number was indeed captured?

After indicating that he had “never heard of” Andrew Mollo, the book’s author, Hilberg agreed that, “That’s what it says on this paper.” (4-804, 805)

Hilberg also agreed that the International Military Tribunal in its judgment used the word “eliminated” instead of the word “annihilated” to describe what happened to the 56,065 people. (4-807)

“The word 'eliminated', in the ordinary sense,” agreed Hilberg, “does have ambiguity. One can eliminate people by killing them or one can eliminate them by other means.”

Christie suggested that one could eliminate those in guerrilla actions by capturing them.

“One can eliminate by various means,” repeated Hilberg. He believed that his translation of the Stroop report in this respect was more accurate than the translation used by the International Military Tribunal in its judgment. He “would have preferred a more accurate translation, but we get what we get.” (4-808)

Christie put to Hilberg again that he chose to define the word “relocate” as “liquidate.”

“No, no,” said Hilberg. “Not the word. The entire description… because the word 'relocate' in the report is attached to the enterprises and I was referring to the entire liquidation of the entire ghetto.”

Does that mean the killing of all the people in it?, asked Christie.

“It means the killing of the largest number of people in it, yes,” said Hilberg. “…It does not mean every last one. We do know of several thousand survivors.” (4-809)

In Hilberg’s opinion, “a lot of people who didn’t” resist were killed including “quite a few” who were shot when they surrendered with their hands up. He admitted he himself was never in the ghetto. (4-810)

How many were shot?, asked Christie.

“The Stroop report mentions in some detail the final figures, and they are here in this report in front of me, and if you prefer, I will read them to you.”

I asked you a specific question, said Christie. Did the Stroop report say how many people were shot after they held their hands up?

“The Stroop report did indicate how many people were shot,” said Hilberg. “It did not make the distinction you are trying to make — those that had their hands up and those that didn’t have their hands up.”

Christie pointed out that he had not made the distinction. The distinction was made by Hilberg, although he was never in the Warsaw ghetto, and the Stroop report didn’t make reference to people being shot who had their hands up.

“At the beginning of this section, answering your questions, I made reference to the disparity of 101 casualties included dead and wounded on the German side, and the five digit figures of Jewish dead on the other side,” said Hilberg.

You said very clearly that 56,065 were all dead, didn’t you?, said Christie. (4-811)

“I was saying to you, sir, in answer to the original peaceful evacuation as is mentioned in the pamphlet, that it was the contrary matter, that these people were all dead. Perhaps not all last single one of them, but many thousands were shot immediately, several thousand were sent to Treblinka, several thousand were sent to Lublin. By 1943, by the end of the year all but a handful were all dead,” said Hilberg.

Oh, said Christie, so now you say that the figure 56,065 means Jewish dead, you mean that within a year they were Jewish dead. Is that right?

“Well, you have to remember that the Stroop report makes reference to precisely this phenomenon. In other words, Stroop, when he says people were transported to Treblinka, is well aware that at Treblinka people are gassed… I would say to you, sir, that when Stroop made his report in which he used 'capture' and 'annihilation,' he used the word vernichten, annihilation, with respect to this 56,000, that his meaning was opposite of the one in the pamphlet, and that is the only thing I was trying to point out yesterday.”

Christie pointed out again that Hilberg had said the figure was Stroop’s figure of Jewish dead. He did not say that the figure represented people who were captured and then sent to Treblinka whom Stroop knew were going to die.

“Well,” said Hilberg, “had additional questions been asked, I would have made these additional answers.”

Your simple answer given at the time, said Christie, very clearly indicated that that was Stroop’s figure of Jewish dead and not a year later, but at the time.

“We are not talking about a year later. We are talking about 1943… I did not break down the figure of 56,000,” said Hilberg.

You left a very clear impression with me, with the jury, with reasonable people, that that figure was dead people, said Christie.

“That figure meant that these people were either shot on the spot or sent to gas chambers or to death camps, to the two of them, Treblinka and Lublin. So that way we are discussing where they were shot -”

Christie interrupted. No, we are not discussing where they were shot. We are discussing what you said yesterday, and the simple meaning of what you said yesterday. How many of the 56,000 do you say were shot at the time?, he asked.

“Well, I would say that the number was somewhat over 12,000,” said Hilberg. (4-813, 814)

Why do you use the figure 12,000?, asked Christie.

“I didn’t,” said Hilberg, “You used it.”

A surprised Christie said, Oh, I see. I used it, did I?

“Well, you quoted from the Pictorial History that I was not familiar with,” said Hilberg. At any rate, added Hilberg, the 12,000 was “not my figure… we are talking a few thousand this way or that way.”

Hilberg continued: “A certain number of people were killed by the fire, including the artillery fire of German, SS and army forces in action in the Warsaw ghetto. A much larger number of people were killed after, in particular districts or particular houses. Resistance ceased, people came out with their hands up. Very many of them were shot on the spot as Stroop himself states.” (4-815, 816)

Christie asked whether there was any reference in the Stroop report to the number of people shot with their hands up.

“There are references to people shot, and unfortunately, in the document you gave me, the parts in which these references are made are not included. You have given me a fragment,” said Hilberg.

You mean to say, asked Christie, that in other parts of the Stroop report you recall that there were figures for people shot with their hands up?

“There were figures for people that were shot,” said Hilberg. “…the clear meaning is that they were shot upon capture… Since there was no counting, as he himself states, the people who were buried in the rubble of the buildings.” (4-817, 818; Stroop report filed as Exhibit G)

Christie next moved to the subject of Birkenau and showed Hilberg a plan of the camp. Hilberg agreed that the document seemed to be the 1944 depiction of Birkenau. Hilberg agreed with Christie that the markings on the plan of “K2” and “K3” meant Crematorium II and Crematorium III and that the other two crematoriums, IV and V, were also marked. Christie suggested that the area immediately to the left of Crematoriums III, IV, and V was the area known as “Kanada.”

“I don’t quite recall,” said Hilberg, “It could be correct.”

“F” was the bathhouse; was that correct?, asked Christie.

“I could not give you any recollection of what 'F' means. This plan is not equipped with any legends,” said Hilberg.

Christie agreed there was no legend on it but indicated he understood Hilberg had been there.

“I had been there,” agreed Hilberg, “but not with a plan in my hands. That was not the purpose.” (4-819)

So you are not familiar with the plan of Birkenau?, asked Christie.

“I am familiar with it, but you are not asking me to describe the buildings in it other than the crematoria, which are clear, and the railway tracks, which are clear.”

I thought perhaps you might be familiar, from your expertise, with the layout of the camp, suggested Christie.

“I am sufficiently familiar with the layout for the purposes, and if I need the use of any plans, I have them in front of me, but they are not reproduced in any of my works, in my books, and so if I do make reference to these particular building plans, I have them with the German legends,” said Hilberg.

Christie pointed out that without the legends, Hilberg didn’t seem able to identify the area.

“Well, I do seem to be able to identify substantial and necessary portions of it,” said Hilberg. “You are asking me about an adjacent building, and I don’t wish, under oath, to state for sure what is possible. It may not be.” (4-820)

Christie pointed to an area to the left of the railroad tracks. Was this the women’s camp?

“Now you're giving me a quiz about the individual blocks of this particular camp,” said Hilberg. “…I believe so, but I cannot be entirely certain of that from sheer memory.”

Christie suggested that the “A” block on the map was a quarantine block.

“There was a quarantine block, yes,” agreed Hilberg.

Do you know where it was?, asked Christie.

“No,” admitted Hilberg. “That again, I can tell you that there was a block for women. There was a quarantine block. There was a so-called gypsy camp here. I know the designations, but I must also say to you that when it comes to north, east, south, west and building plans, that is not my field. When I use these things, I use them very carefully with legends and clear-cut — “

Christie suggested that the circular objects on the map to the right of Crematorium III was a filtration plant for water. Did Hilberg agree?

“I cannot testify to that,” replied Hilberg. (4-821, 822; Plan of Birkenau filed as Exhibit H)

Christie suggested to Hilberg that when he visited Auschwitz in 1979 he was actually there as part of a trip made by the President’s Commission on the Holocaust.

“That’s correct,” said Hilberg, “…I was a member of a group consisting of not all but some of the members of the Commission, certainly.” (4-822)

Hilberg testified that he was a member of the Commission, of which Elie Wiesel was the chairman. Other members included a Mr. Lautenberg (a U.S. Senator from New Jersey) and Mr. Bookbinder from Washington D.C. All three went on the same trip with Hilberg. (4-823)

You were guests of the Polish government, I understand?, asked Christie.

“We were not guests, if you mean by that any payment by the Polish government,” said Hilberg.

Christie indicated he meant guest in the sense that they led you around and explained to you what the areas were all about.

“I need not be led around by the hand -,” said Hilberg.

Did you know the area without the plans?, asked Christie.

“No. I asked, as did other members of the group, to be shown certain parts of Auschwitz, in particular the gas chambers… We saw, not ruined, but a partly reconstructed gas chamber in Auschwitz I, and we saw the facilities in this plan [of Birkenau]… Which are demolished, that’s correct. They are ruins. They are untouched ruins, I should say. They are left as the Germans left them.” (4-824)

Hilberg admitted that he “was not present when these buildings were blown” but believed the Germans blew them up on the basis of “some evidence of what happened in January 1945.”

Hilberg testified that he had looked at the plans of Crematoriums II, III, IV and V in Birkenau which plans were available from the Auschwitz Museum. “One can obtain copies, and there are copies published in various books.” (4-825)

Hilberg had also seen the monument at Birkenau. “Yeah, it says something like, 'Four million victims'… I cannot recollect what is said on that particular gravestone there."1

How many do you say died at Auschwitz?, asked Christie.

“My own figures are, Jewish, a shade over one million. Non-Jewish dead, perhaps 300,000 plus,” said Hilberg.

So the monument, pointed out Christie, was more than twice that number.

“I did not, frankly, look at the monument closely enough to notice what it said,” said Hilberg, “but any figure in multiple millions is off the mark.” He agreed that this type of information was available from the Polish government. (4-826)

Isn’t it true that you are familiar with the fact that the Warsaw ghetto survivors frequently meet as a group at times to celebrate their reunion?

“Well, I really don’t know what they do to celebrate their reunions,” said Hilberg. “I have no information on what they do.”

Christie turned to the subject of the alleged Hitler order to exterminate the Jews. Hilberg agreed that in May of 1984 in Stuttgart, West Germany, he attended a conference on this subject attended by Holocaust researchers. “I am talking about people, all of whom present, to my knowledge, had done extensive research over a period of years and have published work.”

In your opinion, asked Christie, was there an order of Adolf Hitler for the extermination of the Jews?

“That is my opinion, my conclusion,” said Hilberg.

Well, yesterday, I think you told us you were very sure there was an order, suggested Christie.

“Yes.”

Okay. Is that an important order?, asked Christie.

“I would say so.”

Is it a specific order?, asked Christie.

“Well, that was, of course, another matter. How specific it was, and in what form it was given, to how many people it was relayed was, in fact, a considerable subject of discussion at Stuttgart,” said Hilberg. (4-828)

Christie produced Hilberg’s book The Destruction of the European Jews published in 1961 and turned to page 177:

How was the killing phase brought about? Basically, we are dealing with two of Hitler’s decisions. One order was given in the spring of 1941…

Is there a footnote there?, asked Christie.

“No. This is an introductory passage to a chapter… This is an introductory passage to an eighty page chapter,” said Hilberg.

I didn’t ask you what it was, said Christie. I asked you if there is a footnote.

“No, there is no footnote there,” admitted Hilberg. (4-829)

What order were you referring to?, asked Christie.

“In this particular case I have elaborated, in my second edition, since there is so much discussion and controversy over the nature of this order. So I could tell you not solely on the basis of what was published here in 1961, if you wish to hear it, but on the basis of all my knowledge to this date, to what I am referring to.”

What was the order?, repeated Christie.

“Within the high command of the armed forces a plan was made for 'treatment of populations' inside the territories that were to be occupied following the invasion of the USSR. That order was submitted through channels to Adolf Hitler for his approval. He indicated that he wanted certain editions and changes made in this directive. We have, and I have quoted here, the directive dated March 1941. Excuse me, I am speaking of a directive, not a Hitler order,” said Hilberg.

Christie repeated that what he was interested in was the one order referred to by Hilberg in his book. (4-830)

“If you allow me,” said Hilberg, “I will explain the changes in the directive… I know what you are interested in, but you are raising a question, a question complicated enough to have caused a distinguished historian in Germany to invite people from all over the world to pool their knowledge in order to figure out what happened.”

Judge Hugh Locke interjected: “Let’s get on with the answer. What is the answer to counsel’s question?”

“The question was about the Hitler order,” said Hilberg. “There was a draft directive. Hitler wanted changes made in it. The changes were subsequently made in April and were then resubmitted to Adolf Hitler’s approval.”

Okay, said Christie. So there is a Hitler order you say that was approved by Adolf Hitler in 1941 in April?

“By April, yes,” said Hilberg.

By April, or in April?, asked Christie.

“Now you want the exact date.”

No, I don’t, said Christie. I want to know whether it was in April.

“We are talking about several weeks at the end of March when these discussions took place,” said Hilberg. (4-831)

What were the words in the order?, asked Christie.

“According to General Jodl, who wrote this document I am now citing, the words were — …Adolf Hitler said that he wanted the Jewish-Bolshevik commissars to be liquidated… that was the first part of it… He said that for this task he wanted organs of the SS and police to be directly involved and responsible. He then pointed out that for this purpose the military should discuss with the SS and police the details. Now, that was the content of the order as described by General Jodl.” (4-832)

So we don’t have the order?, asked Christie.

“The order was oral,” said Hilberg, “and all we have are the reflections of Adolf Hitler’s words as described by Jodl. We have, however, the words also of other people who were talking to Adolf Hitler which were more direct and more specific, but those words occurred in different contexts, such as Henry Himmler’s words, and words spoken by other people. In any case, the order was oral.”

The order was oral, and you don’t know what the exact words were?, asked Christie.

“You are quite correct. No one knows the exact wording… When I say that we do not know the words, I do not mean the general content. I meant the specific words.” (4 833) In Hilberg’s opinion, the order referred to “Jewish dash Bolshevik commissars… because there was a document and I am quoting Jodl.” This document was in the West German National Archives but Hilberg admitted that he had not included it in his book, Documents of Destruction, published in 1971: “No. It is a small book and it contains a variety of documents, but not this one.”

Christie pointed out that the book appeared to contain the documents Hilberg thought were important.

“No,” said Hilberg. “As I explained in my preface, it is a mixture of some important and some, shall we say, descriptive items of what went on locally.”

Can you think of a more important order?, asked Christie. (4-834)

“You see, sir,” said Hilberg, “in preparing a very small book such as this one, which is a collection of documents aggregating a couple of hundred pages, one must make some choices. And even if the topic is very important, if it requires, since no document is really self- explanatory, a group of documents with additional explanations, I might have had to use a rather substantial portion of space for this one point.”

Is this a long order?, asked Christie.

“It is not that the words are that long, but that the explanation, the history, the… nature of the directive, the explanation of who originally drafted the directive, what the channels were — this is not a simple matter.”

So, said Christie, really we don’t have an order in existence in any written form. We have from you an interpretation of what Mr. Jodl is supposed to have said Adolf Hitler is supposed to have said, which you say was in the archives in West Germany, and which you say has a dash between Jewish and Bolshevik. (4-835)

“That is my best recollection,” said Hilberg.

So it wasn't just Jewish-Bolshevik commissars that had to be killed. It was Jewish people, was it?, asked Christie.

"Well, this particular problem is the one that caused a lot of discussion," said Hilberg. "There is no precise, clear answer as to what the exact wording was. We could only deduce from subsequent explanations by lower ranking individuals who passed on this particular command, particularly to the Einsatzgruppen, what it was that was being ordered."

This was the commissars order to the Einsatzgruppen, was it?, asked Christie.

"Ultimately it was the order not only to the Einsatzgruppen, it was to the armed forces as well."

I want to understand clearly, said Christie. This order says, 'Annihilate Jewish Bolshevik commissars', right?

"Mm-hmmm," said Hilberg. (4-836)

And you interpret that to mean 'Annihilate Jewish people and Bolshevik commissars', right?

"Correct."

But it doesn't say 'Jewish people and Bolshevik commissars', said Christie.

"No, it does not," said Hilberg. "And obviously, one would not call a conference and one would not discuss in great detail, and one would not have extensive articles if the matter were clear-cut. There is such a thing as a gap in knowledge of history, and we are dealing here with one of the more complex problems of what the Germans called decision-making in this case." (4- 837)

Christie pointed out that from Hilberg's brief and unfootnoted statement on page 177 of his book it did not appear to be a very complex subject. He reread it to the jury:

Basically, we are dealing with two of Hitler's decisions. One order was given in the spring of 1941, during the planning of the invasion of the USSR; it provided that small units of the SS and Police be dispatched to Soviet territory, where they were to move from town to town to kill all Jewish inhabitants on the spot.

"Yes, these are introductory words to a chapter," said Hilberg. "And in the subsequent pages you will find in the footnotes that you are looking for reference to particular sources, including the directive that I mentioned by General Warlimont and other commanders, including above all the commanders of Einsatzgruppen who, to the extent that they were around in Nuremberg, made statements about what it is they were told to do."

What they were told, pointed out Christie, even according to you, was not to kill all Jewish inhabitants but to kill Jewish-Bolshevik commissars. Correct?

"What I am saying is that the original wording justifying the establishment of special units called organs in this particular language of the SS and police was the killing of Jewish- Bolshevik commissars. This was the justification. The units to be established for this purpose belonged to the SS and police, which was deemed to be the type of organization to carry out such a political task, rather than the armed forces. This, of course, does not exhaust the problem. One would not set up four units aggregating three thousand men to kill a small handful of people, Bolshevik commissars, who were extremely few, and who were not often captured since they tried to avoid capture, naturally, and there would be little point in establishing, with high- ranking personnel, three thousand men, such, you know, for such a single small purpose, relatively small purpose."

There is no order from Adolf Hitler to the Einsatzgruppen or anybody else to kill all Jewish inhabitants on the spot, right?, asked Christie.

"Now, I would say that the order, as for example Himmler pointed out, was given to him. He was invested with the responsibility to solve this problem. So in other words, one must put — "

What problem?, asked Christie.

"The Jewish problem," said Hilberg, "as they called it." (4-839)

I thought, said Christie, that we were referring to the Jewish-Bolshevik commissars order. That is not the Jewish problem, is it?

“This is the problem,” said Hilberg, “of teaching complex history in such a small setting, but what I am telling you is that the initial problem was administrative. One had to establish battalions of SS and police that had to move with the armies that exercised military jurisdiction, military territorial jurisdiction within their sphere of operations. A justification had to be given for the establishment of such units. Adolf Hitler said this was a war unlike any other war. This was a war in which there would be a showdown, and the Jewish-Bolshevik commissars, as the bearers -”

Showdown of who?, asked Christie.

“Two world views — Nazism and Communism.”

So there was a war between Communism and Nazism, according to Adolf Hitler?, asked Christie.

“Yes. And commissars, as the carrier of this system, would have to be shot. This was not a task for the army. For this reason they were going to establish this Einsatzgruppen. So -” (4-840)

Christie interrupted him and indicated he wanted him to get back to the question. Christie put it to Hilberg that what he was really saying was that it was his interpretation of the commissar order to mean that Jewish inhabitants were to be killed on the spot, even though there was nothing in writing to that effect and, in fact, that was not what it was reported to have said.

“Well, I am saying a little bit more than that,” said Hilberg. “I am saying, and I will say that this is a matter which one can dispute honestly, that it was the intention from the beginning, that is to say, the months prior to June 22 1941, to annihilate the Jews in the territories that were about to be overrun. The difference of opinion, the difference of view that was expressed in Stuttgart was whether that particular decision was made in March, in April or at the latest in August.” (4-841)

Christie asked whether Hilberg had been quoted to say that there was no order, no plan, no budget.

“Well, I don’t know out of what context you are reading these words,” said Hilberg. “… Do you have a tape recording?… it doesn’t seem like how I would put it. I am very careful in my words, even when I speak extemporaneously.”

Christie produced the French edition of Leon Poliakov’s book Harvest of Hate. Hilberg testified that Poliakov “is an authority. He is certainly one of the first researchers. He was working with limited source material, limited in today’s term. I would regard that what he says is generally reliable.” (4-842) When Christie later referred to Poliakov as Hilberg’s confrere and associate, Hilberg protested, “He is not a confrere, and he is not an associate… He is one of the people who I regard as a competent researcher and an expert and he is one of the very first.” (4- 845)

Hilberg refused to translate a portion of the book as requested by Christie. “I must say that I am not a qualified translator from the French into English.” Christie, reading from a translation, asked whether the paragraph said, generally:

Certain details will be forever, however, unknown as far as total extermination is concerned. The three or four principal actors committed suicide in 1945. No document was left behind, as perhaps none ever existed. Such is the [secrecy] with which the masters of the Third Reich, however boastful and cynical on other occasions, surrounded their major crime.

Hilberg agreed this was “an adequate translation” of what the paragraph said, but that “here again, you see, you are taking an introductory paragraph to a chapter.” (4 843 to 845)

Christie pointed out that Poliakov did not seem to think there was any document.

“I think that he meant — now you are asking me what I think he meant, but I think that he meant that there was no written document signed by Adolf Hitler, that in short, we do not have a written order. And he said that if we wanted to ask questions after the war of men like Himmler, we can’t, because Himmler committed suicide immediately after capture, and because Heydrich was assassinated in 1942, and so that means that some of the principal figures could not be questioned,” said Hilberg. (4-845)

Christie produced an article entitled “The Holocaust in Perspective” by George DeWan; beneath a photograph of Hilberg, the caption read: “Panelist Raul Hilberg, a Vermont University political science professor, ponders a question on the Holocaust.”

Hilberg said, “It is a question asked by the audience. I was listening.”

Christie read out a portion of the article in which it quoted Hilberg:

“If one looks at origins, one may go back through the centuries into antiquity to discover the building blocks of the destruction of the European Jews,” Hilberg said. “But what began in 1941 was a process of destruction not planned in advance, not organized centrally by any agency. There was no blueprint and there was no budget for destructive measures. They were taken step by step, one step at a time. Thus came about not so much a plan being carried out, but an incredible meeting of minds, a consensus — mind reading by a far-flung bureaucracy.”

“I said that,” admitted Hilberg. “I said nothing about any order not existing.”

No, said Christie, nothing there about any order. Right.

“Well, you had previously said that I had, at that meeting, in conjunction with these other phrases, also indicated that there was no order, and I said I recall no such word and, indeed, what you showed me does not indicate that I said anything about an order.”

I agree you didn’t say anything about an order, said Christie. In fact, you said it was an incredible meeting of minds.

“Yes.”

Does that imply the existence of an order?, asked Christie.

“It does not exclude the existence of an order,” said Hilberg. “… If an order is given orally and passed on, and especially if wording is couched in such a way that the order giver relies on the understanding of the subordinate, then it does become important for those subordinates to understand, indeed, and to have the same understanding of what was expected. And this is what I said.”

Was there an order or wasn’t there?, asked Christie.

“I believe that there was a Hitler order,” said Hilberg. “… Professor Krausnick believes this. Others believe that there was not.” (4-846 to 849)

So it’s an article of faith based upon your opinion?, asked Christie.

“No, it is not an article of faith at all. It is a conclusion. One can come down one way on it or the other.”

Because there is no evidence to prove one side or the other, right?, asked Christie.

“There may be evidence, but there is a question in this case of what is sufficient evidence,” said Hilberg.

One order was given in the spring of 1941 is what you said in your book, said Christie.

“That is one man’s opinion — mine.”

It doesn’t say it is an opinion, said Christie. It states it as a fact, sir, I suggest.

“Look,” said Hilberg, “how often must I reiterate that wording? It is in the beginning of a chapter. It is in the nature of saying, here is what I am laying out. Now, keep reading. You don’t have to agree with what I say after you have seen the footnotes, after you have seen the evidence.”

The same is true about Did Six Million Really Die?, said Christie. You don’t have to believe it. You don’t have to accept it without verifying it. (4-850)

“Oh, no. Oh, no, that’s not the same thing. I'm sorry, very sorry,” said Hilberg.

Christie returned to page 177 of Hilberg’s book where he had written:

This method may be called the “mobile killing operations.” Shortly after the mobile operations had begun in the occupied Soviet territories, Hitler handed down his second order. That decision doomed the rest of European Jewry.

Where is this second order?, asked Christie.

“The problem,” said Hilberg, “with that particular order is the same as it is with the first. It is oral… And there are people who say, no, it was not one order at all. It was a series of orders that were given to various people at various times… This is a matter for dispute and for argument among historians, and for this purpose one has meetings and second editions of books, too.” (4- 851)

I see, said Christie. So you have to correct that statement in your second edition. Right?

“No,” said Hilberg, “I am not saying that I have to correct this statement, but there are corrections in the second edition, of course.”

Christie pointed out there were no qualifying words in the text such as the ones Hilberg had added in his testimony which indicated it was a matter of opinion subject to dispute.

“No, there is no qualifying word there,” said Hilberg. “…I agree with you that in this introductory statement I stated my conclusions ahead of the treatment to follow.”

I see, said Christie. So if Mr. Harwood had been able to write a book and give you more evidence, he would have been able to follow up his statements with more information, too?

“That would be a tall order, wouldn’t it?,” asked Hilberg. (4-852)

I wonder, sir, said Christie. Can you show me where the second Hitler order is?

“That is not the question.”

It is now, said Christie.

“But the major question as I understood it all along is whether there was a Holocaust, not — “

That is not the question from me, interrupted Christie. The question from me is whether or not you can verify, as you say one ought to, as —

Hilberg interrupted, “One certainly ought to, I completely agree, but certain matters can be shown up to a point and not beyond.”

Can you show any evidence of the existence of a second Hitler order at all?, asked Christie. And if so, what is it?

“I indicated to you,” said Hilberg, “although I have revised my judgments, but if you want to look, I don’t say that everything I expressed in this book I retain. I am entitled to change my mind about something I do.”

And is Mr. Harwood also entitled to change his mind?, asked Christie. (4-853)

“He may change his mind, but I am talking about what I thought then to have been a pivotal Hitler directive as stated by Göring to Heydrich on July 31, 1941… it was the letter that set in motion the train of events that eventuated in the Wannsee Conference.”

I put to you, said Christie, that the letter from Göring to Heydrich talked about resettlement in the east of Jewish people, didn't it?

"Well, the term 'resettlement' became the word used throughout the correspondence in World War II in German records to refer to the process of deporting people to killing centres. In short, this was to be distinguished from bringing the killers to the victims. Here the victims are being brought to the killers… That was my interpretation, and it still is now." (4-854)

But it wasn't an order or a letter from Hitler at all, suggested Christie.

"No, it is not," agreed Hilberg.

Christie returned to Hilberg's book and pointed out that Hilberg had written; "Hitler handed down his second order…" Correct?

"That is correct."

That could be a little misleading, couldn't it, asked Christie.

"Yes, it could be misleading, and for that reason we write second editions," said Hilberg. "…The belief I had then was that the order written by Göring was written at the behest of Adolf Hitler, since Göring was the number two man and could speak on any matter whatsoever. It is not a belief I hold as firmly right now, because I have since discovered additional information to indicate the draftsmanship of this order, who drafted it, and the circumstances under which it was given, and this leads me to the conclusion that the order was initiated by Heydrich."

Christie returned to the meaning of "resettlement in the East"; did this mean an order to kill all Jewish persons? Was that Hilberg's interpretation? (4-855)

"It was then and it is now my opinion that resettlement was the synonym used for deporting Jews to death camps," said Hilberg.

Was there not a Madagascar plan to deport Jews to Madagascar?, asked Christie.

"There was such a plan and it was popular for a while in 1940, and to the best of my knowledge it was considered at the highest level, as late as but no later than February 2, 1941."

Was there not a plan also to deport Jews out of Europe into the area of Latvia?, asked Christie.

"Now, this is a different matter," said Hilberg. "…When you are referring to deportations of Jews to Riga from Berlin and from other German cities, in the late fall of 1941, following the operation of the Einsatzgruppen, the idea was, to the best of my reconstruction of events, that these Jews were to be shipped there in order to be shot upon arrival by Einsatzgruppen personnel stationed in Riga. This was not colonization… we do know what happened to these transports [to Riga]." (4-856)

I suggest to you, sir, said Christie, that there is no evidence whatsoever that 'resettlement in the east' referred to in Göring's letter had any other meaning than what it said on the paper.

"No, no," said Hilberg. "In a way there are some conclusions one may come to and there are other conclusions one may not come to, because there is such a thing as a body of evidence… And the fact of the matter is that orders went out to no longer permit the emigration of individual Jews. The fact of the matter is that the whole number of Jews under German control was now so great that emigration, other than to Madagascar, which was being considered up to but not beyond February 1941, was considered a manifest impossibility in the middle of a war." (4-857)

And the second Hitler order we don't really believe any more existed, right?, asked Christie.

"No, I didn't say that. Quite the opposite. I said there was a divided opinion on whether there was one or whether there were several orders. I might say to you, just to make the point in your favour, there is a minority opinion that states — two German historians — that there was no need for a Hitler order… That the process

went on without it, but this is a minority opinion and very much in dispute." (4-858)

Christie asked Hilberg if he knew the definition between exterminationists and revisionists. Hilberg indicated that "This vocabulary is something else." He denied ever having used this vocabulary and did not use the word "exterminationist" to define those people who believed in the Holocaust. "No. I don't know the source of your statement, but that is pretty well off the mark… I don't write about this whole school of thought as defined by the defendant."

They are beneath your dignity?, asked Christie.

"Not beneath my dignity, but I do not devote my efforts in discussions such as we have here," said Hilberg. (4-860)

Christie returned to The Destruction of the European Jews at page 631 where Hilberg had written:

In November, 1944, Himmler decided that for all practical purposes the Jewish question had been solved. On the twenty-fifth of that month he ordered the dismantling of the killing installations. (Affidavit by Kurt Becher, March 8, 1946, PS 3762)

How do you explain the fact, asked Christie, that the affidavit of Kurt Becher provides no basis for your statement, neither as to the date or any mention of killing installations?

"Again," said Hilberg, "this is a question of treating statements in context. Look, no document is self-explanatory, and every rendition of it involves some interpretation, unless the text is reprinted in its entirety."

Christie produced a copy of the Becher affidavit (3762-PS) dated March 8, 1946. Hilberg agreed that he recognized it. Christie read a prepared translation:

I, former SS-Standartenführer Kurt Becher, born on 12 September, 1909, in Hamburg, wish to make the following statement in lieu of another:

1. Approximately between mid-September and mid-October 1944 I induced the Reichsführer-SS Himmler to give the following order which I then received in two original copies, one for the SS- Obergruppenführer Kaltenbrunner and Pohl, and one copy for myself:

"Effective immediately, I forbid any extermination of Jews and order to the contrary that care be taken of the feeble and sick. I hold you [Kaltenbrunner and Pohl] personally responsible for this, even if this order should not be strictly complied with by my subordinate quarters."

I personally took the copy destined for Pohl to his office in Berlin and handed up one meant for Kaltenbrunner into his secretary's office in Berlin.

I feel that after this date Kaltenbrunner and Pohl should, therefore, be held personally responsible for any killings of Jews that took place afterwards.

2. On the occasion of my visit to the concentration camps of Mauthausen, 27 April, 1945, at nine o'clock in the morning, the camp commander, SS-Standartenführer Ziereis informed me in strict confidence as follows:

"Kaltenbrunner has instructed me that at least 1,000 people still have to die in Mauthausen every day."

The facts mentioned above are in conformity with the truth. These statements are submitted by me of my own free will and without any duress. I have read them through, signed and affirmed them with my oath.

[signed] Kurt Becher Subscribed to and sworn before us at Oberursel, Germany this 8th day of March, 1946. [signed] Richard A. Gutman, 1st Lt., AUS

Is that what you say justifies your statement that in November 1944, Himmler decided that for all practical purposes the Jewish question had been solved and ordered the dismantling of the killing installations?

"Yes," said Hilberg. "…I am not going to say that the document speaks for itself because it is a complicated thing…" He agreed that the document was not an order from Himmler; it was an allegation by Becher that there was an order by Himmler. (4-861 to 864) "He [Becher] produces it, presumably from memory, in this affidavit. It need not, may not have been the exact language used by Himmler, but the substance of it, to me, seemed plausible and believable," said Hilberg.

So your statement on page 631 of your book, said Christie, is false as to date and false as to the existence of an order; the document in fact was an affidavit that said that an order existed, was that right?

"Not necessarily," said Hilberg, "because Becher does not recollect precisely when he acted. He said that sometime between the middle of September and the middle of October he approached Himmler. He was successful in convincing Himmler. That doesn't mean that Himmler carried out the order, gave the order the next day."

With the greatest respect, said Christie, it doesn't say "approached Himmler." It says, "induced Himmler."

"Induced, fine. Induced Himmler… it doesn't mean he got the order on the precise date."

So you know when the precise order was?

"No, I wouldn't say that I know very precisely. I would say that it is November, because I do believe, knowing how long it takes for orders to be written, to be filtered down and to be carried out, that the great likelihood was for the order to have been given in November — not September or October, particularly because gassings were going on in Auschwitz in October. And here we would be implying gassings going on despite specific orders already having been received," said Hilberg. (4-865)

You say that Himmler decided that "the Jewish question had been solved." But this affidavit, said Christie, seems to indicate that the author made a decision and induced Himmler to sign the order, right?

"Fine," said Hilberg.

That certainly puts a little different light on it, do you think?, asked Christie.

"Not really, because don't you see, this was an SS colonel. He was trying, in making this affidavit, as so often happens with SS colonels who were prospective witnesses in war crimes trials, to put the best face on himself. Here is something he could claim credit for, so he came forward with this affidavit. The question is, was he the only one to have made this suggestion? Perhaps not. Was he making it precisely in the form in which he said? Perhaps not. But that the order was given, I do believe."

You have explained that these types of affidavits were often false, but you choose to believe this one, right?, asked Christie.

"No, no, no. Here again you are trying to put words in my mouth," said Hilberg. (4 866)

That's right, said Christie. I am trying to suggest to you that there is a short, simple answer to this convoluted explanation you gave, and it is this, that some SS colonel doesn't force someone by the rank of Mr. Himmler to make an order, and that this affidavit was an exaggeration for self-defence purposes by Kurt Becher, and you should know that as an expert. I'm suggesting to you, sir, that this affidavit was highly dubious as a source.

"But you see," said Hilberg, "we know when the last gassings took place. We know, you see, the sequence of events pretty well. Of course, when one does not have, as I explained at the outset, the proper documentation, that is to say, the original correspondence, one must have recourse to testimony. One must have recourse to statements made by people who made assertions. One must weigh these assertions. In this case, the historian is not different from a jury, is no different from a judge. One must weigh. Now, I weighed, to the best of my ability, and I would still weigh it much in the way in which it is described here in the book published in 1961."

In this 1961 book, said Christie, you didn't say that we don't have a Himmler order. You said we have an affidavit from a colonel in the SS who says he managed to convince Himmler to make an order. Did you? (4-867)

“Well, I have given a footnote stating plainly, 'Affidavit by Kurt Becher'… In this affidavit is the purported text of Himmler’s order,” said Hilberg.

Christie suggested again that the affidavit was dubious in its contents.

“Well, I don’t agree with you,” said Hilberg. “…I seem to have to repeat it fifty times.”

Christie produced an interview which Hilberg had given to Le Nouvel-Observateur published on 9 July 1982. Hilberg recalled the interview and article. He denied that he spoke French in the interview: “No, no. As a matter of fact I was speaking in English. This is a translation of my remarks.” (4-868)

Hilberg agreed that in the interview he had made the following comment:

I would say that, in a certain way, Faurisson and others, without having wanted to do so in the first place, have rendered us a good service. They have come up with questions which have the effect of engaging the historians in fresh research work. The historians are obliged to come forward with more information, to scrutinize the documents once again, and to go much further in the understanding of what has really happened.

Hilberg agreed that he was referring to Professor Robert Faurisson of France. “I know him only through some of his publications. I don’t know him personally. He once wrote me a very nice letter. We have not met.”

Christie put to Hilberg that the article showed that due to questions asked by people like Faurisson, Hilberg had had to do some fresh research work. (4-869)

“No, no,” said Hilberg. “I think you are somewhat overstating the matter.”

I thought it was a pretty clear quote, said Christie.

“Yes, but here again, please keep in mind the context. The question was supposed to be from a journalist for a French publication who wanted to have my opinion, particularly, I suppose, with regard to my personal feelings and reactions towards people who deny the Holocaust — and incidentally, in the process several of them use insulting language about me personally. Now, given this insulting language, one might think that I might be very angry or something of this sort, but I am not. Quite the opposite.”

Well, said Christie, you are not accusing Dr. Faurisson of —

“I am not accusing him, but the question was a broader one. It included this whole group of people who say that the Holocaust did not happen, or Butz, or people of that sort, and of course, Rassinier and Butz are quite insulting in their language about me… Well, I said that, nevertheless, I will consider what anyone says about anything in such a way as to re-think something. Just because I believe that something happened does not mean that I have explained it adequately. I am a classroom teacher for three decades, and I have learned the hard way that one must explain everything, that nothing is obvious, that one may take certain things for granted as being understood immediately; they are not. So in this rather peculiar roundabout way I have said, fine, I will be willing to look at anything said by anybody, no matter what his motivation may be, and if this leads me to re-state anything, to substantiate anything, to look for anything, that’s fine.” (4-870)

So it does cause you to do fresh research work, as you said here?, asked Christie.

“Well, I think — please don’t exaggerate,” said Hilberg, “I am always doing research. I am always doing research, of course.”

These are your words, sir, said Christie.

“Absolutely. If there is something requiring more substantiation, I will, necessarily, have to go and find it.”

I put it to you, sir, said Christie, that as far as researching the scene of Auschwitz, Treblinka, Sobibor, Chelmno, Stutthof, you didn’t do any firsthand, on-site research whatsoever until after you wrote your book.

“What I did in the case of Sobibor, Belzec, Chelmno and Treblinka was to look at the German, West German court records. I have testified repeatedly that I learned about these camps from documentation and from testimony. I am not a person who will take in a particular scene and be able to describe it in such a way that a professional policeman does. I am not that kind of individual, and this is not my research method. In short, I have, in the 1960s and '70s, looked for and at documentation, [testimony] about these particular camps. It was not necessary for me to go there because going there would not have helped me substantially.”

It might, in fact, have disproved your theory sir, said Christie.

Christie returned to page 631 of Hilberg’s book:

In November, 1944, Himmler decided that for all practical purposes the Jewish question had been solved. On the twenty-fifth of that month he ordered the dismantling of the killing installations. (Affidavit by Kurt Becher, March 8, 1946, PS 3762)

How did you come to the conclusion, asked Christie, that on November twenty fifth, Himmler ordered the dismantling of the killing installations?

“That is, perhaps — I should perhaps include one or two other sources,” said Hilberg. “It is sometimes difficult to present all of them when they happen to be testimony… There were several other sources, and one of these was from a man who also talked to Becher and got that information.” Hilberg agreed that the other source didn’t talk to Himmler but talked to Becher and that this source was not referred to in his book. (4-873)

Christie returned to the subject of the alleged first Hitler order to shoot the Jewish- Bolshevik commissars. Would you agree, he asked, that there was a belief in Germany at that time that Bolshevism had Jewish origins and all commissars would be Jewish?

“No. That is not something that I would assume,” said Hilberg. “…I am familiar with the theories of the day. I am also familiar with the manner in which these theories were received by the population, including even the SS people. I don’t think they are unsophisticated people.”

I am suggesting, said Christie, that a prevalent theory of the Nazis was that Communism and Bolshevism were Jewish.

“That was propaganda.”

But they claimed it was their belief at the time?, asked Christie.

“They claim.”

They said that Trotsky was Jewish and Zinoviev was Jewish and Karl Liebknecht was Jewish?

“There are all kinds of people labelled as Jews, whether they are or not.”

Hilberg had to agree, however, that both Trotsky and Zinoviev were Jews and were both very important in the Communist movement. (4-874)

So they had this belief and assumed the commissars were Jewish, right?, asked Christie.

“Well, I would not go so far as to say that. Not even Hitler had that thought. I don’t think even Hitler may have thought that.”

Oh, it’s hard for us to perceive what Hitler thought, isn’t it?, asked Christie.

“Yes, indeed it is,” said Hilberg.

Hilberg agreed that in his previous testimony from the morning before he said there were about 40,000 affidavits and documents in the Nuremberg trials. Hilberg agreed that he had testified at Zündel’s preliminary hearing and that Professor John H. E. Fried from New York City had been called at the same hearing as an expert witness on the Nuremberg proceedings. (4-876)

Christie read out a portion of Fried's testimony given at the preliminary hearing on June 20, 1984 and asked Hilberg to comment on its truth or falsity:

> MR. GRIFFITHS: What comment, if any, do you have on that proposition, Mr. Fried, about fraudulent affidavits. Can you tell us how the affidavits were obtained? A. Altogether? Q. Yes, sir. A. I think there were well more than a hundred thousand by the defence alone. Q. By the defence? A. By the defence. There was very, very much smaller number, incomparably smaller number by the prosecution and these affidavits, insofar as they turned out to be important for the deliberation of the Court, were never used without the affiant testifying in open Court.

"I think," said Hilberg, "that seems to be what a man recollects as having happened, and I see nothing especially wrong with that." Hilberg agreed that Fried was at Nuremberg while he wasn't.

You say forty thousand, said Christie. He says one hundred thousand.

Griffiths objected, saying that Fried said one hundred thousand defence documents, while Hilberg said 4,500 prosecution documents.

"Yes," said Hilberg, "And many more defence. That is what I said… the numbers are accession numbers so one could easily add them up, and I did that years ago." (4 877)

Christie turned to the subject of Paul Rassinier. Hilberg agreed that in the French edition of Rassinier's book, Rassinier had referred to Hilberg's statistics as a "fog" and had attributed the figure of 896,892 Jewish dead to Hilberg. This was the figure which Harwood, citing Rassinier's book, had erroneously attributed directly to Hilberg. (4-879)

Christie suggested that Harwood had accurately reported what Rassinier said in his book, although Rassinier was wrong.

Hilberg agreed: "Well, I will say this much. You have found the French edition, and in my German edition it is different. And it is not attributed to me in the German edition… It seems to be in this one… We can leave it at that, sure." (4-880, 881)

But apparently Rassinier altered the edition later to reflect that he was just analyzing your statistics, correct?, asked Christie.

"That seems to be the case."

Christie suggested that what Rassinier had done was subtract the number of survivors in 1945 from the number of Jews who existed (according to Hilberg) in 1931 and subtracted further from the resulting figure a number that Rassinier called "recovered immigrants." Hilberg agreed this was what Rassinier had done. In his opinion, "error" was "a mild word" to describe Rassinier's calculations. Hilberg believed it was deliberate and had been done for the purpose of distortion. "Error sometimes refers to some misinterpretation of some document," he said, "and this is a lot more than a misrepresentation. This is sort of an invention of figures." (4-882, 883)

Christie suggested that during the war and shortly thereafter there were masses of Jewish immigrants from Europe who entered the United States and were not counted as being of Jewish origin. Did Hilberg agree that there was no census of the religion of immigrants to the United States in those years?

"The commission did count the Jews," said Hilberg, "particularly among the displaced persons, and very, very few people entered [the United States] prior to then because of the quota in the United States then in effect." (4-883)

Christie turned to page 670 of The Destruction of the European Jews where in Table 89: The Jewish Population Loss 1939-45, Hilberg showed Poland having a Jewish population of 3,350,000 in 1939 and a Jewish population of 50,000 in 1945. In Table 96: Postwar Jewish Population Changes in Eastern Europe, on page 737, Hilberg showed Poland having 225,000 “survivors and returnees” in the years 1945-46.

Where did these extra 175,000 Polish Jewish survivors come from?, asked Christie.

“From the Soviet Union. These are repatriates. These are part of the 200,000 people or so that fled or otherwise located in the Soviet Union. That is the reason that we got returnees as well as survivors. These are not all survivors, and the year here is 1945 46, rather than 1945. So these are two different counts, two different groups of people… In other words, if you subtract that 50,000 from the 225,000 you get the approximate number of people who returned from the Soviet Union who are technically not survivors, but have fled.” (4-885)

Are you relying on Soviet statistics to say what people stayed in the Soviet Union?, asked Christie.

“We have to rely on something in life,” said Hilberg, “and in this particular I have relied not only on the statistics of the Soviet Union, but post-war Poland, and Poles did record the number of survivors or returnees. We have this data. Virtually the entire post-war population of Poland has since emigrated, so we have a further check in knowing where the Jewish population of Poland went, roughly, at least, since the vast majority went to Israel; thus we have a ballpark figure, or a good idea of the correctness of this data… That is about 175,000 returnees. There may be a few more, because the boundary changes took place, and there were, in Eastern Poland, a few thousand more in the territory of Poland that is now part of the Soviet Union.” (4-886)

This figure then, suggested Christie, is based upon an estimate from Polish authorities as to the number who returned in 1946.

“No. This is not simply an estimate, because the repatriation took place after an agreement had been made between Poland and the Soviet Union, and these people returned in trains that had definite numbers of passengers, special trains; and so that is actually a count; this is not a simple matter of individuals crossing frontiers and so forth.”

How do you know that all the Polish Jews returned to Poland?, asked Christie.

“We do know something about the Jewish population in the Soviet Union from subsequent census data of the Soviet Union.”

Do all Soviet Jews announce themselves to be Jews?, asked Christie.

“Well, that’s an interesting question and much debated,” said Hilberg. “There is some speculation in this matter, if you want to call it that, in the initial post-war census that it may have understated the number of Jews in the Soviet Union in the sense that, perhaps, not all of them identified themselves as Jewish; but the subsequent two census are rather different in the sense that now people do identify themselves as Jewish, given the possibility, at least, of emigration, and in matters pertaining to half-Jews, that makes some difference inasmuch as I understand the Soviet procedure, a 16-year-old can choose whether he wishes to be Jewish for nationality purposes in the census, or Russian-Ukrainian, as the case may be.” (4 887)

Hilberg agreed that the matter was “not simple,” that the boundary of Poland was “certainly moved westward” after the war and that in these circumstances it was difficult to give accurate figures: “I have spent many hours' research in the matter, so it is certainly not easy.” In making the estimates, he had relied upon the census figure for Poland for 1931 and the extrapolation to 1939, and the census figure for the Soviet Union for January, 1939. (4-888)

Christie turned to Appendix III / Statistics on Jewish Dead in Hilberg’s book at page 767, where Hilberg gave the figure for Jewish losses in France and Italy as 70,000. Yet in Table 89 on page 670, Hilberg had given a figure for losses for France and Italy of 87,000.

“In the first place,” said Hilberg, “my figure as represented in the second table for France and Italy combined, I now recognize to be too low. I was a bit too conservative. The number of losses from France alone is in the vicinity of 75,000, and to that one must add the Italian losses of roughly 7,000.” (4-889)

Hilberg was familiar with the book by Serge Klarsfeld regarding the deportations from France in which Klarsfeld listed all the deportees by name and date. 2

Are you aware, asked Christie, that the figure you give for the total losses is very close to the figure he gives for the total deportees?

Hilberg agreed: “That’s true. There were very few returnees from Auschwitz or wherever.”

Christie returned to Appendix III/Statistics on Jewish Dead on page 767 where Hilberg gave the figure of 5,100,000 as the total Jewish losses. In Table 89 on page 670, however, the total loss, if added up, was 5,407,500.

Hilberg protested that he had “deliberately” not totalled the losses listed in Table 89. “Mr. Rassinier totalled the losses, but not I. Now, please excuse me a minute. These figures are not comparable. One cannot subtract one from the other, because, as I clearly stated, the boundaries are different.” (4-890)

Christie noted that in Appendix III, the loss listed for Romania was 270,000 while in Table 89 it was 370,000. This was a difference of 100,000.

“Yes,” said Hilberg, “It is a substantial difference within the boundaries of Romania… There are post-war data that are used. In other words, post-war boundaries are used from 1945, as are clearly indicated in the table on page 670… However, pre-war boundaries are used in the other tables, so these, again, are not comparable figures.”

Are we to take it, asked Christie, that Romania grew in size during the war?

“No… If you were to adjust the boundaries to reflect the territories lost to the Soviet Union, then the number 430,000 would be increased so as to account for people alive in the areas ceded to the Soviet Union, and then you would see that the two figures would be comparable, or roughly comparable since 800,000 is very rounded.” (4 891)

Hilberg testified that it was indicated very clearly in the book that, “'…The statistics for 1939 refer to pre-war borders and post-war frontiers have been used for 1945… That is a signal and announces to anyone with an ounce of competence not to subtract figures from the left, because they are not comparable figures. And this is just what Rassinier did.”

Christie moved to the figures of Jewish losses for Yugoslavia. In Table 89 the figure was 63,000; in Appendix III, the figure was 60,000. Hilberg did not rely on boundary changes to justify the difference. “I must make some allowance for the fact that Yugoslavia was a theatre of war; some Jews were in the Yugoslavian army, some were killed in action. In wartime birthrates dropped. Adjustments have to be made, and we are talking about 3,000… On page 767 we have the Holocaust dead. I didn’t use the term 'Holocaust', but that is precisely what it is. What we have on the other chart, it is totally unadjusted, before and after figures, not even aligned for boundaries. So this table should not be used, the one on page 670 — which for some unaccountable reason Rassinier used; he should have used the other one — should not be used except to find out what is going on and what is to be done with this data.” (4-893)

Did you say you were a statistician?, asked Christie.

“Absolutely not,” said Hilberg. “… Because a statistician is a person with, at the very least, an undergraduate, and hopefully a graduate degree in mathematical statistics. I am not that person. I add and I subtract.” (4-894)

The difference between the two tables in the figures for Greece of 2,000 people was due to “the fact that there were Jewish soldiers who were killed, the fact that there were Jewish war casualties; and in the statistics of Jewish dead I am referring to Holocaust dead.” The major difference in the totals of Polish losses between the two tables of 300,000 was due both to a major shift in the boundaries of Poland and the returnees.

In Hilberg's opinion, "comparatively few" Jews were killed in the course of the war. He considered any Jew who starved to death in the camps and any Jew who died from typhus in the camps to be a "Holocaust victim." (4-895)

"… A Jewish person in a camp was there because he was a Jew. So he is a Holocaust victim."

So that it doesn't mean, said Christie, you are saying these people were gassed.

"No. If I say they were dying in certain camps, that means they died in those camps, be it as a result of gassing, or because of privation. Now, when I speak of certain camps, virtually 100 percent of the victims were gassed, but in other camps, that's a difference."

Christie moved to the subject of the gas chambers. Hilberg testified that, in his opinion, there were no homicidal gas chambers in Bergen-Belsen, Buchenwald and Theresienstadt.

Natzweiler and Mauthausen "had very small gas chambers in which people were gassed… There's been very — most recent scholarship in Germany has gone in very great detail about the gassings in Mauthausen of Soviet prisoners." (4-896, 900)

Dachau: "That is a maybe, but I would not make the statement — you see, here it's a factual question of whether certain people were gassed or were not gassed, and this is a difficult problem to determine whether they were or weren't. Small numbers." (4-897)

Flossenbürg: "Probably not, except for a very small handful… Handfuls. Individual people — too weak to work, things like that." (4-897) So, said Christie, you think there was a gas chamber but it wasn't used much? "Not necessarily," said Hilberg. "I am not familiar with all of the camps and their layout because my specialization is the gassing of Jews." (4-897)

Neuengamme: "I don't believe there was a gas chamber there, but again, you refer to a particular kind, one which was used in order to kill people… it is a maybe…" (4 897, 898)

Oranienburg: "Same thing… I am not aware of any gassings of people there at all. I have not even heard anything…It is an open question. If somebody comes along and says, yes, there was, I will listen; otherwise I can't make the statement that there was. In other words, I do not know whether there was or whether there wasn't a gassing of individuals in particular camps." (4-898)

Sachsenhausen: "Same thing [a maybe]." (4-898)

Ravensbrück: "Same thing [a maybe]." (4-898)

Stutthof: "As for Stutthof, there is some testimony to that effect, but I would not give it the weight that would make it, in my opinion, a certainty… In Stutthof there were shootings." Hilberg agreed it was a maybe as to gassings. (4-899)

Struthof: : "That is a maybe." (4-899)

Hartheim: "…this is a different matter. There were, altogether, six facilities designed exclusively for gassing people — of which Hartheim is one. It is not a camp." (4-900)

Majdanek: "Yes… In Majdanek, which the Germans called Lublin, there were three gas chambers, and one or two — I am not sure, offhand, which — were equipped interchangeably for the use of the carbon monoxide or hydrogen cyanide. Both were used." (4-900)

Belzec: "Initially, in all probability, three. Upon the expansion of the gas chambers in the summer of 1942, six… the initial three were also in 1942, but after some months, because of the heavy volume of traffic into the camp, the rebuilding took place and six gas chambers were erected in lieu of the earlier three." In Hilberg's opinion, carbon monoxide alone was used at Belzec. "I might add, however, that the German court leaves open the possibility, based only on testimony, that initially hydrogen cyanide may have been tried experimentally." (4-900, 901)

Chelmno: “Chelmno was equipped with gas vans. Carbon monoxide.” (4-901)

Sobibor: “Those had gas chamber,” said Hilberg, using carbon monoxide. (4-901)

Treblinka: “Carbon monoxide gas chambers, yes.” (4-901)

Hilberg agreed that in his book he had indicated that the carbon monoxide gas chambers used old Russian diesel tank engines.

I put it to you, sir, said Christie, that diesel engines don’t produce sufficient quantities of carbon monoxide, but they actually produce mostly carbon dioxide. What do you say to that? (4- 901)

“I can’t really comment about it, “ said Hilberg, “because afterwards, when I had more interest in the technical details, my understanding was — and it was left at that in the German trial — that what came out was a mixture of carbon monoxide and carbon dioxide… And the outflow was a mixture, but the proportions were not indicated, and when you mentioned Hartheim before, which was a totally different facility for mentally impaired people that were gassed there, that was chemically pure carbon monoxide, to distinguish it from the kind of mixtures that emanated there. I did call it carbon monoxide. I still call it that for short, but it’s a mixture… Hartheim is pure bottled, chemically pure carbon monoxide gas.”

At Auschwitz, Hilberg testified that first two huts were used for gassing, then four gas chambers were built. He agreed that on the plan of the camp, they were identified as crematoria.

Christie suggested to Hilberg that the source of his belief in this respect was a man named Kurt Gerstein.

“Well, that’s one source, yes,” said Hilberg. (4-902)

Christie pointed out that Gerstein was an important source to Hilberg because he referred to him ten times in his book.

“Right. I wouldn’t doubt it,” said Hilberg.

Hilberg thought Gerstein’s statement, 1553-PS, was used at the Nuremberg Military Tribunal but he could not swear to it. Hilberg had used parts of this statement in his book.

Isn’t it true, asked Christie, that Kurt Gerstein had, by that time, hanged himself in a French jail?

“Well, whatever the circumstances of his death were, he was dead.” (4-903, 904)

Isn’t it true, asked Christie, that Kurt Gerstein made a long, detailed statement in French on 26 April 1945 which I suggest to you was some of the most incredible nonsense that you or I have ever looked at?

“… I would be very, very careful in the use of certain statements, that I would put Gerstein’s statement as one that one must be most careful about. Parts are corroborated; others are pure nonsense,” said Hilberg. He agreed that he took parts which in his view were credible and left out parts that in his view were incredible: “That’s a fair assessment, yeah.” (4-904)

When someone swears a statement, said Christie, don’t you think it reflects on the author that some of the statement is totally ridiculous?

“It certainly reflects on him,” agreed Hilberg, “and the only answer I can give you here is that I am not a court of law… And I am at liberty to take — “

Christie interrupted and put to Hilberg that, as a common sense principle, if someone told him that between 28 and 32 people could be packed into one square metre, 1.8 metres high, that that person was either a fool or a liar?

“Well, on this particular datum I would be very careful,” said Hilberg, “because Gerstein, apparently, was a very excitable person. He was capable of all kinds of statements which he, indeed, made not only in the affidavit but its context.”

He wasn’t totally sane, suggested Christie.

"I am not a judge of sanity, but I would be careful about what he said," said Hilberg. (4- 906)

Christie produced the Gerstein statement and proceeded to ask Hilberg whether certain statements appeared in the statement. Hilberg agreed that in his statement, Gerstein alleged that 700-800 persons were crushed together in 25 square metres in 45 cubic metres; he also agreed that he had ignored this part of Gerstein's statement in his book.

So did you think that was just a mistake, that he had said that in error?, asked Christie.

"It's very hard to characterize the man, because he was capable, in his excitement, of adding imagination to fact. There is no question of that." (4-906)

And he refers to Hitler and Himmler witnessing gassings, right?, asked Christie.

Hilberg agreed that Gerstein had made this statement and that it was "absolutely" and "totally false… He attributed to someone else the statement that Hitler was there. And Hitler wasn't, because Germans researched that subject." (4-907)

And he said twice, suggested Christie, that 700-800 people were crushed together in 25 square metres in 45 cubic metres?

"He may have said it three times as far as I know, but I didn't use that statement."

Would you agree, asked Christie, that 700-800 persons in 25 square metres means between 28 and 32 people in one square metre? Would you like to just calculate that?

"Well, look, I won't go through the arithmetic," said Hilberg, "I trust yours." (4-907)

Christie stated that he understood from reading Hilberg's testimony at the preliminary hearing that he had actually made a calculation that supported that proposition. Christie produced Hilberg's testimony from Zündel's preliminary hearing given in Toronto on June 21, 1984:

Q…Now I submit to you that just logically or mathematically it would be physically impossible to put 800 people into 25 square metres at any one time. Would it seem to you that that might be an exaggeration? A. Well, I have made calculations and it is quite amazing how many people can be squeezed in…

Hilberg agreed he was asked that question and gave that answer at the preliminary hearing. (4-908)

Christie suggested that when a witness gave this type of information, he was not someone to be relied upon as an authority ten times in his book.

"Well, let me say that the camps Belzec, Sobibor and Treblinka were with the undocumented camps in which I was interested. Gerstein was an SS officer in charge of delivering poison gasses, hydrogen cyanide, and in that capacity he made his trip, which is verified, he did make the trip in the company of other people to Belzec, and also to another camp; and also verified is the fact that he made statements on the way back on the Warsaw-Berlin express train to a Swedish diplomat at the time, in fact confirmed by the Swedish Foreign Ministry. To me, the important thing was that an SS officer had seen the procedures… this is a corroborated story."

How is this story corroborated, asked Christie, in view of the fact that no action was taken by any Swedish diplomat whatsoever? They totally thought the man was nuts.

"I have no doubt," said Hilberg, "that this could very well have been the impression, and here you have to keep in mind, it is 1942, someone who is very excitable tells an absolutely incredible story, something that had never been heard before, something utterly unimaginable and unprecedented — well, here is a careful diplomat; he is not going to immediately credit everything he hears." (4-909) Hilberg testified that he would not dispute that he referred to Kurt Gerstein twenty-three times in his book as an authority. (4-910, 911)

Christie asked what calculations Hilberg had done to see if 28 to 32 people would fit in the given square metreage.

"Oh, it's a very simple matter," said Hilberg, "because we worked with feet. When one lays out the number of feet, roughly — …And that gives one an approximate notion of the size of such a chamber, and one tries to figure out how many people may be squeezed into it, and it is a surprisingly large number." [Note: At this point in the cross-examination, Christie attempted to place a one square metre on the floor and ask some people to come and stand in it. Judge Hugh Locke immediately stopped Christie and asked the jury to leave. After extensive submissions, in which Christie argued the demonstration would show to the jury that the figures in the Gerstein statement were preposterous, Locke ruled, inter alia, that the proposed demonstration was "a type of sideshow" which he would not allow in his courtroom. During the submissions in the absence of the jury, Hilberg testified as follows with respect to the Gerstein statement: "Square metres will do, because they are not crouching down… What may be surprising is that the order of magnitude, the number of people one can push in such places, is in the hundreds. It may not be 800; it may be 300. Moreover, this particular witness may not have estimated the area quite correctly. We don't know what size of gas chambers he is referring to, so I would not characterize the statement as totally preposterous, but neither did I accept it and I wouldn't use it." (4-911 to 918)]

After the return of the jury, Christie put it to Hilberg that the only person he referred to in his book more than Gerstein was a man named Rudolf Höss.

"No. I totally disagree," said Hilberg. "The index is ample evidence of who is quoted how many times."

Christie suggested again that Gerstein was an important witness for his belief as expressed in his book.

"He is an important witness for the fact of the existence of these camps, particularly Belzec, in 1942, the gassings that took place there with carbon monoxide. The fact that he, as a disinfection officer, as a dispenser of poison gasses, was present is significant. Beyond that I realized, of course, clearly, what sort of person this was from the context of the language he used, and did not rely upon any statements that appeared to me either imaginative or exaggerated. I did not use them," said Hilberg.

In fact, said Christie, in your book you eliminated all such ridiculous parts in your use of his statement.

"Well, I eliminated anything that seemed not to be plausible or credible, certainly."

You consider that it was credible, asked Christie, that 800 people could be crushed together in 25 square metres?

"Well, as I indicated, the actual number who can be crushed in such a place may be in the hundreds. I wouldn't say that many." Hilberg agreed that Gerstein had made this statement twice: "But the question of whether two or 300 people may be squeezed in such a place, or 700, becomes of interest when one looks at the gas chamber, the number of people gassed, and the calculations that may be made therefrom. It suffices for this particular SS officer that there were gas chambers." (4 921)

Hilberg testified that Leon Poliakov, whom he regarded "as a capable researcher" had used the Gerstein statement "more than I do."

Christie pointed to page 294 of Poliakov's book [Harvest of Hate] where Poliakov, in referring to the Gerstein statement, changed the number of square metres. Hilberg refused to comment: "I don't know whether he changed the figure, or as I said, if there is another version of the affidavit that he may have made use. I really can't answer that." (4-922)

Christie asked Hilberg whether he considered Gerstein's statement — that at Belzec and Treblinka nobody bothered to make a count and that in fact about 25 million people, not only Jews, were actually killed — was credible?

"Well, parts of it are true, and other parts of it are sheer exaggeration, manifest and obvious exaggeration. To me, the important point made in this statement is that there were no counting at the point at which people entered the gas chamber," said Hilberg.

So you take the obviously exaggerated part out and use the part that you thought was credible, that there was no counting. Right?, asked Christie.

“Yes.”

I see. That’s the process of your research.

“Well, in certain situations, when affidavits are at stake, when long statements are involved and they do touch upon important matters, one must be judgmental,” said Hilberg. “Now, there are some things I would not use at all; there are some things I would use in part.”

Hilberg testified he “absolutely” and “obviously” would not use the part about 25 million persons being killed as it was “rhetoric.” (4-923)

Do you deny that is exactly what he said in his statement?, asked Christie.

“Well, you know something, it is immaterial to me,” said Hilberg. “… I would not deny anything. I don’t even recall this, to tell you the truth.”

It wasn’t something so unusual that it would stick out in your mind?, asked Christie.

“No, because of the fact that one tends to exaggerate numbers sometimes, and one does so, obviously, without basis in fact. Any competent researcher can see that and pay no further attention.”

Do you think that someone who swears that 'I am ready to swear the absolute truth of all my statements' and then says that, is a credible person?, asked Christie.

“Well, counsel,” said Hilberg, “at the risk of offending every lawyer in this room, I don’t go by whether a statement is sworn to or not. Certain people may make truthful statements not sworn to; others may make statements that are not based upon fact, even though sworn to; some people are not aware of the fact that they make misstatements. There are all kinds of possibilities here… I think that Gerstein was somewhat given to great excitability… I would not characterize it a lie, because a lie is a deliberate falsehood. I don’t know whether, in his mind, this was a deliberate falsehood. The fact that you characterized him, yourself, as not quite with it, what can you say about his motivations?” (4-924)

Would you say that somebody who would say 25 million people were killed at Treblinka and Belzec was a rational person?, asked Christie.

“I would not characterize him as totally rational, no, but that is of no value, because I am not the expert on rationality,” said Hilberg.

Hilberg agreed that in his statement Gerstein said there were eight gas chambers and whole mountains of clothes and underwear, 35 or 40 metres high. Was that a rational, credible statement?, asked Christie.

“Well, the 30 or 40 metres is a very interesting number, because how does one estimate the height of anything unless you are trained to do that? And on the other hand, if he says eight gas chambers, is that a more important dictum? Although I, myself, believe it was six, I could see how somebody thought it was eight, given the number of doors and things of this sort.” (4-925)

How do you know the number of doors, having never been there?, asked Christie.

“Well, the question as to how many gas chambers there were at Belzec at any given time is a matter entirely of the persons who were there… But there were a number of people who did not merely visit there, but who were stationed there, and who testified, repeatedly, as to the number of gas chambers.”

You don’t refer to them ten times, sir, said Christie.

“No,” said Hilberg, “because this book was a 1961 book, and the testimony to which I refer occurred after the publication for this book. That is the reason for second editions.”

I suggest to you, said Christie, that Gerstein said 275 milligrams of Zyklon B was enough to kill 8 million people. Did he say that?

“I don’t recall that. I honestly don’t,” said Hilberg.

Christie put to Hilberg that Gerstein also alleged that millions disappeared at Auschwitz and Mauthausen in gas chamber-like cars, the method of killing the children being to hold a tampon and press the gas under their noses. Was that true or false news?, asked Christie. (4-926)

“Well, there were massive gassings at Auschwitz. I would not characterize it as millions, but certainly a million… I don’t know about the tampons. I have heard repeatedly from witnesses about such killings. I have not cited them in the book because when it comes to certain matters of this kind, I am super careful.”

Not so super careful about your sources, though, said Christie, because this source says that was done and swears it to be as credible as the rest of his statement.

“Yes,” said Hilberg, “but I quoted only those portions of his statement that seem to be credible, and I made no use of those that were not.”

Isn’t that taking out of context?, asked Christie.

“No, I do not think that that is taking out of context. Where a number of statements are made on separate points and separate matters, and so long as the intent and the meaning of what a person said is not tampered with, then I don’t regard it as taking out of context. If a statement contains ten points, be they numbered or not, and I decide that two or three of them are credible, are correct, are plausible, I will make use of them. If I decide others are not so, I will not make use of them.” (4-927) Hilberg agreed that he had left out those portions of Gerstein’s statement that showed a very strange mind prone to exaggeration because they were not plausible.

So the impression you leave when you quote Gerstein as your authority, suggested Christie, is that he is a plausible man.

“No,” said Hilberg. “It merely means that he has made certain plausible statements, and that is another matter for being a plausible man. You could go into an institution for mentally ill people and get some rather plausible statements, and then total nonsense as well… You don’t have to reject everything as a human being. You don’t have to reject everything that he says.” (4- 928)

I agree, said Christie, but if I get a book describing a situation, and in it the author quotes a madman but he quotes the rational parts of the madman’s statement and he ignores the fact that he is a madman and the fact that things he said are impossible, do you think I have an accurate picture, the truth, from that book? Hilberg replied that he could not answer this question “because I deem it a rhetorical question.”

Gerstein was obviously incredible, suggested Christie.

“He was incredible for many people, and nevertheless, one may take people of that nature and discover that they have made certain statements that have certain value.”

Hilberg agreed that before his death Gerstein made another statement on 6 May 1945 [PS- 2170] which Hilberg had never used.

Because it casts grave doubts, said Christie, greater doubts on the credibility of Gerstein.

“Look, it is entirely possible,” said Hilberg, “that a man’s condition can deteriorate. You, yourself, suggested that he committed suicide.” (4-929)

So you are suggesting that the second statement was the result of a deteriorated condition but not the first?, asked Christie.

“I have never met the man, and I am not competent to make a diagnosis,” said Hilberg. “…Again, I am not a physician. I can only look at the statement that he made. I find nothing in it that I need, nothing that is persuasive or indispensable, so I don’t use it.”

Indispensable to your theory, suggested Christie.

“No. To the elucidation of what happened,” said Hilberg.

Christie produced PS-2170, introduced before the Nuremberg Military Tribunal on 26 October 1945, a statement by Gerstein taken on 6 May 1945, about ten days after the first statement which Hilberg referred to in his book. Hilberg recognized the document. (4-930)

Hilberg agreed that Gerstein was responsible for the concentration camp administration delivery and shipping of Zyklon B. He distributed Zyklon B to Auschwitz, Birkenau and Lublin. Sobibor and Treblinka, however, were not part of the concentration camp system, said Hilberg. (4-931)

Christie put to Hilberg that PS-1553 was a document filed at Nuremberg that showed distribution of Zyklon B to both Auschwitz-Birkenau and Oranienburg was made on exactly the same dates in exactly the same amounts. Hilberg testified that he knew of this document.

May I point out to you, suggested Christie, that if Zyklon B was used for killing people in Birkenau, then there was no reason for it to go to Oranienburg.

“You see,” said Hilberg, “Oranienburg was the headquarters of the Economic Administrative Main Office from where it is entirely possible gas was distributed. I have no way of knowing that. I have no way of knowing what happened. The gas may not have been used at Oranienburg at all. It may simply have been stored there for shipments to another concentration camp. Oranienburg was the head of all concentration camp facilities.” (4-932)

May I suggest, said Christie, that the real reason is that Zyklon B was used for delousing in both places in the same way?

“Well, you are entitled to your suggestion, but please don’t impose it upon me.”

Judge Hugh Locke instructed Hilberg to answer the question.

“Well, I cannot agree,” said Hilberg, “It is not a plausible explanation at all.”

Hilberg agreed that his testimony with respect to Oranienburg “was that I had absolutely no information about people being killed in gas chambers and Oranienburg.” (4-933)

Christie returned to the second Gerstein statement, 2170-PS, where Gerstein had sworn:

Likewise tests were carried out with compressed air. People were put in boilers into which compressed air was forced, using the conventional blacktop road compressors.

It is a pretty ridiculous statement, isn’t it?, asked Christie.

“I cannot explain that one at all,” said Hilberg. “…It is a far-out statement, and even taking into consideration that there were some far-out people in some of these camps, I would not credit it, and I have not used it.”

Christie referred to the another portion of the Gerstein statement where he had sworn:

An approved method of killing human beings in Poland is that these people were made to climb the circular staircase of blast furnaces, they were then finished off with a pistol shot and disappeared in the blast furnaces. Many people are said to have suffocated in brick kilns due to flue gases, and then subsequently incinerated in the same work pass. However, in this respect my source of information is not 100 percent reliable.

Christie suggested this was another rather incredible statement from Mr. Gerstein.

“Well, he himself says it is not entirely reliable,” said Hilberg. “… I have testified before and will again that in the use of such affidavits, one must be extraordinarily careful.” (4-934)

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Hilberg confirmed to the court that he was not a statistician: “I am not a statistician as that term is understood and defined today, and I confine my operations to numbers with additions and multiplications and very simple things.” (5-938)

And statistics, suggested Christie, as far as enumeration and census figures are concerned, is a technical field of endeavour, isn’t it?

“Well, it depends upon what one wishes to do with this data. I am qualified, I believe, to look at census data insofar as the question arises as to what they refer to. On the other hand, if one wishes to engage in very complicated projections, then I'd stay away from such mathematical operations.”

Christie suggested that with respect to statistics, Hilberg was no more qualified than Paul Rassinier.

“Oh, no, not at all,” said Hilberg. “My ability to see statistics in a context and understand what numbers refer to is, I believe, superior to that of the gentleman you've just mentioned.”

In terms of any academic qualifications, however, you are not any better qualified than Rassinier was, Christie reiterated.

“Oh, yes, I am more academically qualified for the simple reason that statistics, numbers that are embedded in documents referring to specific events and occurrences, involve complicated issues, such as boundaries and the like, and in this regard I am more qualified.”

What academic qualifications do you have, asked Christie, in the area of statistics that is greater than that of Mr. Rassinier?

“I was not calling myself a statistician,” said Hilberg. “I am called a statistician in the booklet. I have tried to correct the impression that it’s possible, from the statement 'statistician' in that booklet, by limiting my competence in this matter so as to involve only the numbers insofar as are referred to and are embedded in historical data, sometimes very complicated situations, and on that regard my training as a political scientist does entitle me to look at statistics with more understanding; and my preoccupation with this subject over the years has given me some ability to see what the statistics mean and what they don’t mean.”

So the answer, suggested Christie, is that you have no academic qualification in respect to statistics except you are qualified in political science.

“That does give me some competence in looking at numbers and understanding them, yes.”

Isn’t it true that Rassinier was an inmate of a German concentration camp during the war?, asked Christie.

“That seems to be his statement,” said Hilberg. (5-940)

Do you deny that?, asked Christie.

“I deny nothing… It is simply a matter of what he states. I have not checked upon where he was. I was not interested.”

He claims to have had firsthand experience of concentration camps, suggested Christie.

“He is entitled to that claim. He has made that claim. He has checked upon it. I have no comment to make.”

In his publications, and you have read them, suggested Christie, he was by no means a Nazi sympathizer but a Communist elected member of the legislative —

“Whatever his past and whatever his reason for his incarceration,” said Hilberg, “I can only look at the book he wrote afterwards, and that’s the limit of my knowledge about him… Whatever he was in the past, that is indicated. I have no comment to make upon it.”

Tell me whether it says that in the book or not, said Christie.

“I recall that it says that in his book,” said Hilberg. (4-941)

You are aware he was an elected member of the Parliament in France?, asked Christie.

“All I can say is what I said before. I can only agree about what he said about himself. I have not checked on anything… I don’t recall all the details of what he said. I am quite willing to accept what you are saying. It is close enough as far as you are concerned.”

Do you recall how long he claimed to have been in the concentration camp in Germany?, asked Christie.

“I don’t recall the number of years. I simply can’t remember that.”

But he, to you, was not credible, said Christie.

“Not credible,” said Hilberg. (4-942)

Christie returned to Gerstein, to whom, Christie pointed out, Hilberg attached some credibility, and quoted further from his statement:

Missions of so-called doctors, actually nothing but young SS men in white coats, rode around in limousines throughout the towns and villages of Poland and Czechoslovakia selecting the old and tuberculose people, shortly afterwards sent to the gas chambers.

Did Hilberg attribute credibility to that statement?, asked Christie.

“Well, I have not used it,” said Hilberg, “of course, and it is a complicated statement involving a great many separate events some of which, indeed, did occur… There was a certain attempt to gas Polish people who were tubercular, on a large scale… The matter was put by a Gauleiter Greiser. He wanted to gas some 30,000 Poles who had tuberculosis, and his reason was that they might infect Germans. In fact, that particular project was vetoed, but it was proposed… I tell you that there are elements of what appears in this global statement that are true, but I would not — “ (4-943)

This is a global statement?, asked Christie.

“Well, because it does involve several regions, multiple events, and long periods of time.”

I suggest to you, said Christie, that the statement is utterly fantastic, that young men in white coats did not ride around in limousines in Poland, Czechoslovakia or anywhere in the Third Reich picking up people for gassing. Do you maintain that to be true?

“I have never said that this is true,” said Hilberg. “I would not say that people in white coats pretending to be doctors rode around in vehicles or limousines. No, I don’t think that this particular detail is sufficiently credible to be used by a scholar, nor have I used it.”

That’s one of the parts of the Gerstein statement that you chose to ignore?, asked Christie.

“Yes, I did ignore it,” said Hilberg. (5-944)

Christie alleged again that what Hilberg had done was attribute credibility to Gerstein by taking things out of context.

“No,” said Hilberg, “I disagreed with you when you made that statement yesterday, and I have to disagree with it today. Nothing has changed… I explained to you what I mean by 'out of context'. 'Out of context' means the use of words by an author in such a way as to render the meaning he intended differently from the way that he intended it to be. That, to me, means 'out of context'. It means to leave out qualifications. It means to leave out ifs, buts, howevers; but if a person makes a statement which can easily be segmented into ten different assertions or twelve different assertions or twenty different assertions and I find that ten are credible and ten are not credible, or that five are credible and fifteen are not credible, if I happen to choose those, which I find to be confirmed by others, which I find to be plausible in the light of events as I know them, then I'm not taking

these statements out of context, of what he is saying… I am taking them in order to create a larger canvas of the facts; if that happens to support my thesis, fine; if the thesis is not supported, the thesis will be modified." (5-945) Hilberg agreed that he decided "absolutely" to leave out the dubious portions of the Gerstein statement.

Christie asked whether Hilberg would give someone looking at the Gerstein statement the right to call the whole statement dubious.

"I would give any right to anybody who was honest, who was cautious, who wishes to look at things cautiously. I am myself that way. I permitted myself the use of portions of this manuscript because I was familiar with other material that enabled me to use that particular statement. I also told you that I have seen documents signed by Gerstein at the time, so that it is not the only statement, not the only Gerstein documentation… there are letters, correspondence by Gerstein, too. When I keep using Gerstein, I have used correspondence by Gerstein, 1944 correspondence by Gerstein… There are letters written by Gerstein which I used. These are documents. These happen to be correspondence. These were written at the time of the events. Now, if you wish to confuse the issue, please go ahead and confuse it; but I wish to remain clear about things."

Christie put to Hilberg that he was confusing things in people's minds by referring to a statement that had totally incredible parts to it.

"I don't see why anybody should be confused unless they wish to be," said Hilberg. (5- 947) He continued: "… the reason that there are people like me who write books is that we develop a certain amount of expertise in the use of these materials… There is no need for anybody to trust my research. You can check any document you wish. You can come to any conclusion that you wish."

My question, said Christie, was whether you would accept that honest people, looking at PS-1553 — the Gerstein statement — could honestly take the position that it is totally incredible?

"They could certainly take that position," said Hilberg, "if they know nothing except that particular document."

They could also, Christie suggested, take that position if they didn't believe you, right?

"Well, if they did not believe me after reading 800 pages, I don't know what to say, because that signifies the failure of a lifetime… That would be my failure." (5-948)

Christie put to Hilberg again that he must concede that some people might decide things differently from him and they should be free to do so; if they looked at the Gerstein statement and decided it was incredible, they must be free to do so. Was that Hilberg's view of the matter?

"I must qualify what I am about to say; I'm sorry, but I must qualify… I do believe in academic freedom… If deliberate misconstruction and malice are not involved, I certainly believe that they should have that freedom." Hilberg agreed "absolutely" that people should be free to publish their opinion about the Gerstein statement: "Such a statement, such an article did appear in a rather prestigious German publication."

Is it true, asked Christie, that the Gerstein statement is an important part of your book because you rely on it to prove the number of deaths at Treblinka and Belzec?

"No," said Hilberg. "… In my book, the first edition, I do not give precise figures for Treblinka or Belzec because, at the time, I did not feel that I could give a figure for each of these counts. What I had in my possession was a figure that applied totally, combined, to Treblinka, to Belzec and to Sobibor. That came from a German document. Back in the 1950s I was not able to break down that figure for those three camps. I am better able to do this now, but I did not do it then and I did not rely on Gerstein or anyone else." (5-949)

Christie referred to a portion of the Gerstein statement and asked Hilberg whether or not he had relied on it:

> Belzec, on the Lublin-Lemberg road, in the sector of the Russian demarcation line. Maximum 15,000 persons a day (Seen!).
>
> Sobibor, I do not know exactly where it is located. Not seen. 20,000 persons per day.
>
> Treblinka, 120 km NNE of Warsaw. 25,000 persons per day. Seen!

“What I relied upon in the statement,” said Hilberg, “was the fact that he had been there, that he had seen the two facts to which he referred. I did not take from that statement his estimate of maximum capacity in the camps.”

So that part, too, was incredible, was it?, asked Christie.

“I did not say that. Just a moment, please. You keep on putting words to my mouth,” said Hilberg. “… The point is that I had no basis, in those days, for making an estimate of the capacity, the daily capacity, or the total toll in each of these camps. I only knew the global figure to December 31, 1942.” (5-950)

Isn’t it true, asked Christie, that the judgment of the Nuremberg Military Tribunal in the Pohl case, specifically that of Judge Michael Musmanno, quoted extensively from the Gerstein statement, PS-1553, ignoring parts of it as you did?

“Well, I would say that Judge Musmanno had good cause to do what he did, that he was a capable judge.”

Another case of selected editing for the reasons of the judgment, right?, asked Christie.

“Now you are accusing a judge of the same thing you are accusing me of… Fine… I don’t quarrel with it.”

Hilberg agreed that his estimate of gassed victims at Auschwitz in his book was roughly 1 million: “That was my estimate then. That is the recalculated estimate, roughly the same now.” (5-951)

Hilberg agreed that in the concurring judgment of Judge Michael A. Musmanno in the Pohl case before the Nuremberg Military Tribunal (NMT “Green Series,” vol. V, p. 1131), Musmanno quoted from the affidavit of Rudolf Höss, former commandant at Auschwitz:

Rudolf Höss declared under oath that he personally supervised the executions at Auschwitz until 1 December 1943, and he estimated that up to that time, 2,500,000 prisoners were, “executed and exterminated there in the gas chambers and crematories.”

Christie pointed out to Hilberg that the figure of 2.5 million victims at Auschwitz was twice what Hilberg claimed. (5-951 to 954)

“It’s twice the figure that I give in my book in 1961,” said Hilberg. He believed his own figure to be the truth.

Would you say then, asked Christie, that the Nuremberg judgment was false on that point?

“It’s an error in my opinion,” said Hilberg. “… The court quoted Höss to that effect.”

It would appear, suggested Christie, that Höss is another important part of the belief in the 6 million.

“No,” said Hilberg. “He was the commander of Auschwitz from the time it was founded until November 1943. He then was present in Auschwitz again during the summer of 1944. He was absent for some times from the camp on other duties. He does, however, have important information about Auschwitz.”

He was captured by whom, sir?, asked Christie.

“He was — I am trying to recall whether it was the British army of occupation. I think it was in the north of Germany where the British were.”

He wrote a book in which he said he was beaten and tortured by the British, right?, asked Christie.

“I am not aware of his having said that in his book,” said Hilberg. “I would be pleased to look at it.” (5-955)

Christie produced the book Commandant of Auschwitz: The Autobiography of Rudolf Höss and quoted from page 174:

> At my first interrogation, evidence was obtained by beating me. I do not know what is in the record, although I signed it. [Footnote: A typewritten document of eight pages, which Höss signed at 2:30 am on 14 March, 1946. It does not differ substantially from what he later said or wrote in Nuremberg or Cracow.]

“I am not familiar with this edition,” said Hilberg. “I have the German edition… It may well be that I kept no immediate recollection of this particular passage in the German edition. I don’t dispute what is stated here. It is his allegation. He said he was being beaten and that he signed a record.” (5-956)

Christie referred back to the book:

> Alcohol and the whip were too much for me. The whip was my own, which by chance had got into my wife’s luggage. It had hardly ever touched my horse, far less the prisoners. Nevertheless, one of my interrogators was convinced that I had perpetually used it for flogging the prisoners.

After some days I was taken to Minden-on-the-Weser, the main interrogation centre in the British Zone. There I received further rough treatment at the hands of the English public prosecutor, a major.

“It appears from what you read that he did consider himself to have been beaten with his own whip,” said Hilberg.

Right, said Christie. And he didn’t understand what he was signing but he signed it anyway.

“That appears what appears to be said there, yes,” said Hilberg.

Christie moved to the subject of Franz Ziereis. Hilberg agreed he had quoted Ziereis earlier. Was he kept in custody too?, asked Christie.

“Well, I don’t know the precise circumstances inasmuch as they are somewhat complicated,” said Hilberg. (5-957)

Christie put to Hilberg that Ziereis was the commandant of Mauthausen in Austria, that he was tortured in that he was seriously wounded by three bullet-wounds in the course of his interrogation or immediately prior, that he knew he would die shortly, that he was interrogated for a period of six to eight hours during the night of May 22 and 23, and that he died that morning.

Hilberg agreed that Ziereis was the commandant of Mauthausen, but to nothing else. “No, I can’t say that. I've had and read about two or three versions of his wounds and his subsequent death… He certainly died shortly after the end of the war as a result of wounds he received. According to one version he had tried to escape; according to another version, angry inmates inflicted the injuries upon him. You have just read yet another version. Unfortunately, I cannot choose between these versions. I can only confirm that he had wounds, that he did make the statement, and he subsequently died.” (5-958)

Christie produced the affidavit of Hans Marsalek, which was the translation into English of Nuremberg document 3870-PS [Nazi Conspiracy and Aggression, vol. VI, p. 790). Marsalek swore:

> Franz Ziereis was interrogated by me in the presence of the Commander of the 11th Armored Division (American Armored Division) Seibel; the former prisoner and physician, Dr. Koszeinski;, and in the presence of another Polish citizen, name unknown, for a period of six to eight hours. The interrogation was effected in the night from 22 May to 23 May 1945. Franz Ziereis was seriously wounded — his body had been penetrated by three bullets — and knew that he would die shortly and told me the following: …

Hilberg agreed that this document was Marsalek's recollection of what Ziereis said before he died and that it was used as a prosecution document at Nuremberg. Hilberg indicated that the Marsalek affidavit claimed that Ziereis was shot by American soldiers after trying to escape and was interrogated in the presence of a representative of the 11th Armoured Division. Hilberg testified that he would not quarrel that the document was before the court. (5-961, 962)

"I might add," said Hilberg, "that the fact of a number such as 3870-PS does not mean that the document was introduced in evidence… This is not ipso facto evidence of the document having been used in evidence. It merely means that it was collected by the prosecution, given a document number. It might then have been used; but not all of the prosecution documents have been used as evidence… " (5-962)

Christie asked whether, as an ordinary human being, Hilberg saw anything wrong with introducing into evidence, not the statement of Ziereis with his signature on it, but an affidavit by a different man who simply quoted what Ziereis allegedly said before he died.

"I would say the following," said Hilberg, "When a man has been the commander of a concentration camp and is wounded, the question of whether he may or may not be interrogated is essentially a medical question. Whether the physicians were consulted or not, I have no way of knowing. When I look at the document — and I did look at it — I could use it or not use it, depending, once again, as to whether or not the information contained in it seems to be credible, plausible, corroborated, confirmed or not." (5-963)

Christie put to Hilberg that Marsalek claimed in the affidavit that Ziereis said that 1 million or 1.5 million people were killed at Castle Hartheim. Was that true?

"There were people gassed at Hartheim," said Hilberg, "certainly not the number that you have just quoted, no… all I can say is, I did not use that particular datum. Indeed, in the first edition, I don't even believe that I have mentioned Hartheim, which was a facility for gassing incurable persons… the fact of Hartheim existing as a euthanasia station for gassing incurably ill persons with mental or neurological disorders, and also for gassing concentration camp inmates that were either obstreperous or at the end of their physical strength has been confirmed over and over and over." Hilberg indicated, however, that this was not his area of research. Hilberg agreed that the numbers included in the Marsalek affidavit regarding Hartheim were "manifestly out of the question" and were "absolutely" false. (5-964, 965)

Christie suggested to Hilberg that these types of documents were not rare and that torture was common; that people such as Franz Ziereis, Rudolf Höss, Hoettl, Konrad Morgen, Josef Kramer and Erich von Manstein were tortured.

"All the names you have mentioned are familiar to me. The allegation of torture, in most of the cases that you have just indicated, are not familiar to me," said Hilberg.

You haven't looked into just what degree of voluntariness was involved in these statements, correct?, asked Christie.

"No, no. I am, of course, interested in how much a particular affidavit can be trusted. At the very outset I pointed out that my principal reliance was on documents, that my secondary reliance, where the documents do not speak for themselves or sufficiently so, is upon statements. I handle all such statements, whether

[delivered] under the freest circumstances or under constraint, with the utmost of care." (5-966)

Hilberg agreed that he had referred to himself as an empiricist. Would you agree, asked Christie, that empiricism is the process of looking at experience and conducting experiments with real things?

"Well, I am not going to extend the definition of 'empiricism' to include experiments as a matter of necessary consequence. There are all kinds of manipulations, some of which is simulation, some of which are experiments, and some of which are not either… my description of what I am doing, is the procedure of looking at facts as they are contained in documents, and then coming to a larger picture, going from the small to the big, and that I call the empirical approach to the subject. There are, and could be, other approaches, but that happens to be mine. 'Experiment', to me, suggests a repetitive element that can be manipulated in a laboratory. This I don't do." (5-967)

May I suggest, said Christie, that experiments can mean going to the scene of an event and conducting scientific tests?

"One may conduct scientific tests. I don't exclude that."

Have you done it?, asked Christie.

"I do not. I have repeatedly said that I am not a chemist. I am not a geologist. I am not a photo interpreter. I do not do these things."

I am asking you, said Christie, if you have done any physical experiments in respect to the research we are dealing with here.

"No. No."

Do you know of one scientific report that substantiates that any single place was used as a gas chamber? If so, please name it, said Christie.

"What do you mean by a scientific report?," asked Hilberg.

I don't usually have to define simple words, said Christie, but by "scientific report" I mean a report conducted by anyone who purported to be a scientist and who examined physical evidence. Name one report of such a kind that showed the existence of gas chambers anywhere in Nazi-occupied territory. (5-968)

"I still don't quite understand the import of your question," said Hilberg. "Are you referring to a German, or a post-war -"

I don't care who — German, post-war, Allied, Soviet — any source at all. Name one, said Christie.

"To prove what?," asked Hilberg.

To conclude that they have physically seen a gas chamber. One scientific report, repeated Christie.

"I am really at a loss. I am very seldom at such a loss, but … Again, I can only state that there have been aerial photographs that were analysed. Perhaps that is not in your definition of science. There have been contemporaneous documents about the lethality of the gas that was employed. Perhaps this is not important to you. There are documents — " (5-969)

Excuse me, said Christie, I want to understand clearly. You say the second thing is evidence about what?

"The lethality, the toxicity of the gas, the nature of the poison and what it does… Signed by scientific personnel within the German chemical industry."

Hilberg agreed that the cans of Zyklon B were labelled as poison: "That's correct. None of these examples will satisfy you because you want the proverbial connection to be made so close… The additional, how shall I say, scientific evidence is contained in such subject matter as filters for gas masks and the like, again indicating the caution with which one must approach this gas. Now, these are all connected with gas chambers."

Is that the end of your answer?, asked Christie.

“Well, for the moment, it’s a couple of examples that at the spur of the moment I can bring up. If you want me to reflect on the matter, I can certainly conjure up from my recollection other examples, but I am still at a loss to really understand your question.” (5-970)

In your book, The Destruction of the European Jews, if you had a scientific report proving the existence of only one gas chamber, wouldn’t you have used it?, asked Christie.

“Oh, well, there is no single report, as you say, proving scientifically the existence of a gas chamber, unless you mean by this the chamber. Now, if you mean a scientific report as to what happened to people inside a gas chamber after they have inhaled gas, that’s a separate matter …”

I didn’t ask you that, said Christie.

“Well, that’s the reason I am saying I am not quite sure as to the nature of your question. What scientist would make a report about a couple of hundred people squeezed into a gas chamber, and what exactly happens physiologically to them all, when you've got, from German sources, the exact description of what this gas will do once it is inhaled by human beings?” (5-979)

I suggest to you, said Christie, that it is quite possible to determine if hydrocyanic acid in gas has come in contact with stone or brick or mortar on walls. Do you know of a single scientific examination of any of those objects to determine, in 1945, the existence of hydrocyanic acid inside the walls of any buildings in Europe?

“Well, we have numerous structures described in German documents for utilization of gas for a variety of purposes. The particular gas to which you refer was delivered in various strength, and some of the structures were sealed off more securely, others less so, depending upon the purpose. Obviously, to me, from the existence of the industry, the reported quantities of gas used in the majority for fumigation purposes… Of buildings, of ships… Not necessarily lice. It could be cockroaches.”

Bugs were disinfected with Zyklon B, right?, asked Christie.

“The bugs were disinfected? The building was disinfected. The bugs were killed,” said Hilberg, “… Pardon me for giving you a long answer again, but that 'B' stands for the strength of the gas. There was Zyklon C and B at the beginning, at least, and depending upon the purpose, these particular strengths were used in the strengths indicated for the purpose.” (5-980)

I want you to tell me, repeated Christie, if you know of one scientific report of the analysis of gas chambers that was used in conjunction with Zyklon B (hydrocyanic acid) for the killing of people?

“No, I don’t know of any such report unless it is, you know, somewhere in the records of the Soviet Polish Investigation Commission of Lublin, Majdanek, because you have to remember that aside from the Lublin chambers, otherwise known as Majdanek, and the one Auschwitz chamber still in existence, there wouldn’t be any -”

Judge Locke interrupted: “Doctor … do you know of such a report?”

“No,” replied Hilberg.

Isn’t it true, sir, asked Christie, that Professor René Fabre, toxicologist, was asked in 1945 to examine the corpses of people allegedly gassed at Struthof-Natzweiler, 5 kilometres from Strasbourg in Alsace and scraped things from the van and the alleged chambers where Kramer was supposed to have gassed people, and that the results of that report were that there was no poison evident in his analysis?

“I am not at all familiar with this report,” said Hilberg. (5-981)

Was there, in your knowledge, the existence of a single autopsy report to indicate that the cause of death of one person was from the ingestion of hydrocyanic acid or Zyklon B?, asked Christie.

“Unless you are referring to the report of Professor August Hirt, who caused Jews to be gassed in a chamber at Natzweiler for the purpose of investigating their skulls in an anatomical investigation, that would be it… I do believe that I've seen that in a document, but it does not give a detailed medical description of what transpired

in the course of gassing, since that was not his purpose… He caused them to be gassed in order to sever their heads for anatomical studies… You will find it in the Nuremberg documents. I regret I can't give you the number."

Your evidence, said Christie, is that that report exists and that it does say that people died from prussic acid, hydrocyanic acid or Zyklon B?

"I am saying," said Hilberg, "that this man caused several individuals to be gassed for the purpose of conducting an anatomical study of their heads. He caused them to be gassed first and then he severed their heads in order to conduct anatomical studies. He made sure that they would die with the proper dosage of Zyklon in a gas chamber." (5-982)

You say, asked Christie, there was some sort of command to perform gassings?

"There was correspondence there. There was a request for the delivery of the individuals."

Ahh, said Christie, this is what we have, then, a correspondence, that is, a request for the delivery of the individuals.

"Perhaps I should simply state that -"

No such report exists, suggested Christie. That would be the simple answer.

"I would not go so far as to say that no such report exists, but what you want -"

I want the report, said Christie.

"All right," said Hilberg. "If you want a detailed medical study of what happens to an individual after he has been gassed, I have not seen that, and that's it."

I don't want a detailed study of what happens to a person after having been gassed, said Christie. I want reports after the war, before the war or during the war to show that between 1939 and 1945 someone was killed by the use of those substances.

"Well, there are plenty of such reports, but you want a scientific report by a physician," said Hilberg.

An autopsy, said Christie.

"No, no. Unless we are talking about this August Hirt document series, which I would not exclude the possibility here of something autopsal in his report, but I cannot now testify to that." (5-983)

Would you mind telling me, asked Christie, if you recall seeing any document that proves that someone died from the use of prussic acid?

"I don't really wish to answer that so quickly," said Hilberg, "because it's possible that I have seen such things… But my mind is simply not structured towards these, towards these details."

Christie had Hilberg confirm that he had earlier testified that there were many documents to prove the killing of Jews in existence. Christie then produced an article entitled "Confronting the Moral Implications of the Holocaust" published in the April, 1978 issue of Social Education and asked Hilberg if he was the author.

"I'm sorry that I can't give a yes or no answer even to that," said Hilberg. "The footnote will indicate — "

Christie read from the footnote that the article was by Raul Hilberg, professor at Vermont University, and that the article was a transcript of an address Hilberg delivered at a National Invitational Conference sponsored by the Anti-Defamation League of B'nai Brith in New York on October 9-11, 1977. Hilberg testified that he recalled those occasions. "The transcript is a transcript with numerous errors of a lecture that I did not have time to edit." (5-985)

Christie read from the article and asked Hilberg whether he said the following or not:

There were peculiar uses of language, the very language that people like Butz, who deny the Holocaust ever took place, now say was to be read literally. Resettlement, for example, and other such words, which were euphemisms for killings. I have kept looking for one single document, any document, which contains the actual word “killing.” After going through tens of thousands of documents, I found the word just two weeks ago in a report of an actual killing action, but for real four legged dogs. The word “killing” was used for dogs. Human beings were specially treated: they were “resettled", or “the Jewish problem was solved.”

“That reflects it accurately enough,” said Hilberg. “… All I said there was that the word 'killing', töten in German, was not used with reference to the annihilation of the population of Europe.”

But you would have us believe, asked Christie, that all the German people and soldiers and SS who are familiar with taking orders would somehow learn a new language where 'killing' was meant in 'resettling' and the Jewish problem 'solved' meant 'killing'?

“I would not have you believe it,” said Hilberg. “I state, as a fact, with all the expertise at my disposal which may or may not be sufficient, that in correspondence there were strictly understood customary rules as to how the killing process was to be referred to. As a matter of fact, even some of the euphemisms, after having been used repeatedly, were proscribed, forbidden, when, for example, Korherr, the aforementioned statistician in the SS, used the word 'special treatment', which was a euphemism for killing. It had been used so much it was understood so well, that Himmler said he no longer wanted this word used in the report and wanted the report changed and another word substituted… durchgeschleusst.”

Christie put to Hilberg that Richard Korherr wrote a letter to the newspapers in Germany in 1977 to explain that he had tried to find out at the time what the word sonderbehandlung (special treatment) meant.3

“I have no fewer than four affidavits by Korherr about his report. I don’t know any of his letters to newspapers in 1977,” said Hilberg. (5-986, 987) He would be surprised if Korherr was still alive. “He must be getting on in years… More than that, because Dr. Richard Korherr has made several statements, all of which I have seen, before German prosecutors. He was asked in 1960 to make another statement and he said he was no longer capable to do so, and that was that. That is in 1960. That is why I am surprised to see a letter purported to have been written by him in 1977, if he could no longer make a statement in the 1960s… A German prosecutor attempted to get a statement from Dr. Korherr, and he could not do so because of the alleged incompetence of Dr. Korherr to make statements.” (5-989)

In Hilberg’s view, Korherr’s allegation in 1977 that “special treatment” meant resettlement in the District of Lublin, was “not accurate.” (5-990)

Christie turned to the subject of Simone Veil and asked Hilberg whether he knew that she was alleged to have been killed in the gas chambers.

“…I am in no way really capable of telling you anything about her,” said Hilberg, “her life or anything, because it has interest to some people, but not really to me.” Hilberg could not say whether Veil was dead or alive. (5-991)

Christie next turned to the topic of Jewish responsibility for causing the Second World War. Hilberg testified that Did Six Million Really Die? seemed “to indicate that the Jews had a large, or perhaps even predominant role in causing the war to have been fought.” Christie agreed and indicated he would be putting certain historical events to Hilberg and asking him if those did not support the very point made in the booklet.

Wasn’t it true, asked Christie, that in 1933 Samuel Untermeyer made a statement that indicated that war must be waged on Germany?

“I may have seen it,” said Hilberg, “but there were a number of speeches, and that’s one of them. I don’t recall it.”

Hilberg refused to characterize Untermeyer as a fairly important person although he could not remember what his position was. “I don’t even remember, but I do remember he was not an important personage.”

Hilberg had not read the front page story on Untermeyer in the New York Times from August 7, 1933. “I have not read this particular article. I probably have seen a headline, but I have never read the entire text of this particular speech. I have testified before that there were numerous speeches. It is humanly impossible and fruitless to read all of the speeches of personages of importance or less important as they react to persecution in 1933. There were lots of speeches.” (5-992 to 994)

You are not familiar with that speech at all?, asked Christie.

“No. I have never read it.”

Does it come as a surprise to you, asked Christie, that speeches reported on the front page of the New York Times were saying that there was a campaign to exterminate Jews in 1933?

“…The New York Times, I must say, especially in those days — and this I can testify to — printed a lot of things,” said Hilberg. “… It is common knowledge and it is obvious that there was no campaign to annihilate the Jews — I have said this before — in 1933. I have testified to and written about the evolution of this process. People were killed as Jews because they were Jews in 1933, but there was not in 1933 an immediate threat of total, physical annihilation of the Jewish population of Germany.” (5-994)

So, asked Christie, if anybody said in 1933 that the Hitler regime originated to fiendishly exterminate the Jews by placarding Jewish shops, warning Germans against dealing with them, by imprisoning Jewish shopkeepers, that would be false news?

“It is a form of rhetoric, since it was common knowledge to anybody what was happening. It was widely reported. People knew what was and what was not occurring, because it was at that moment a time of peace and there were correspondents in Germany reporting daily on the events there.”

Christie turned next to the subject of the Nuremberg trials and their treatment by the booklet. Hilberg repeated that Did Six Million Really Die? was a “basically biased” statement. “There is so much misrepresentation here that I said it was a lot of concoction, untruth, mixed with half-truths, occasional truths, a sentence may be half a sentence.”

Hilberg considered to be “largely false” the allegations of the booklet that the Nuremberg trials were the result of torture and were based on pre-conceived notions of guilt.

You wouldn’t consider the Nuremberg trials as a high-grade lynching party?, asked Christie.

“Absolutely not,” said Hilberg. (5-995, 996)

Christie produced the book, Harlan Fiske Stone: Pillar of the Law, by Alpheus Thomas Mason and read from page 716:

> Yet irritation growing out of the accumulated inconvenience he attributed to Justice Jackson’s absence provoked even more intemperate comments. “Jackson is away conducting his high-grade lynching party in Nuremberg,” he remarked. “I don’t mind what he does to the Nazis, but I hate to see the pretense that he is running a court and proceeding according to common law. This is a little too sanctimonious a fraud to meet my old-fashioned ideas.”

Hilberg testified that Harlan Fiske Stone was the Chief Justice of the Supreme Court of the United States; Mr. Justice Robert Jackson was one of the members of the same court and served as the American prosecutor at Nuremberg.

“He was a prosecutor at Nuremberg of the United States of America,” said Hilberg. “Prior to being in the Supreme Court of the United States, he was the Attorney General of the United States.” (5-997)

Christie suggested to Hilberg that Harlan Fiske Stone was referring to the Nuremberg trials when he stated Jackson was on a “high-grade lynching party.”

Said Hilberg, “Well, Mr. Thomas Mason, who wrote this biography, on page 716, may have quoted, for all I know, an intemperate remark made at a lunch table by the Chief Justice who was annoyed because one member of the court was taking a prolonged leave of absence to Nuremberg. He was, as he correctly described him, old-fashioned. Now, he may have used his intemperate language — I don’t challenge the accuracy of the quotation, but you must put it into the context of the book, of the remark, of the circumstances, and of everything else… I cannot probe the mind of every jurist, and there were, no doubt about it, difficult legal questions connected with the indictment, particularly the notion of a crime against peace, which is nothing to do with the Holocaust, and about which a great deal has been written. There is no doubt that this particular trial caused, in the legal community, much discussion, be it in the matter of evidence, or in the matter of substance, particularly as it pertains to crimes against peace. I said before that Mr. Justice Jackson had been Attorney General of the United States. As Attorney General he was asked whether it was in conformity with the Constitution of the United States to permit the transfer of fifty destroyers to Great Britain, and at a time when Britain stood alone. He advised them that it was in accordance with the Constitution and of international law to do so. He felt the obligation to reinforce the point that one could take measures short of war in sending fifty destroyers to another country in need that was defending itself and other countries against aggression. He wanted to nail the point against aggression. He stated this clearly in the conference in London, establishing the Charter of the International Military Tribunal. That has caused controversy.” (5-998, 999)

Christie returned to the book and asked Hilberg if he agreed with what was written on page 715:

> When President Truman named former Attorney General Francis Biddle American representative on the panel of judges to try the war criminals, the Chief Justice expressed his disapproval of the entire proceedings by refusing Biddle’s personal request to swear him in. “I did not wish,” he explained, “to appear, even in that remote way, to give my blessing or that of the Court on the proposed Nuremberg trials.”

Hilberg agreed there was “no question” that Chief Justice Stone was indicating disapproval of the Nuremberg proceedings. Hilberg stated this was only a quote, however: “I don’t know what he actually said.” Hilberg himself did not agree with Stone’s comments. (5-1000, 1001)

Christie referred to the book at page 715, where Chief Justice Stone was quoted as stating in a letter to the editor of Fortune magazine:

> “For your information, but not for publication as coming from me, I would like to advise you that the Supreme Court had nothing to do, either directly or indirectly, with the Nuremberg Trials, or the governmental action which authorized them. I was not advised of Justice Jackson’s participation until his appointment by the Executive was announced in the newspapers.”

“So far as the Nuremberg trial is an attempt to justify the application of the power of the victor to the vanquished because the vanquished made aggressive war,” he explained, “I dislike extremely to see it dressed up with a false facade of legality. The best that can be said for it is that it is a political act of the victorious States which may be morally right, as was the sequestration of Napoleon about 1815. But the allies in that day did not feel it necessary to justify it by an appeal to nonexistent legal principles.”

“There is no question of it,” said Hilberg, “that here was a slight conflict, shall we say, between the judicial and executive branches… as I've testified, the issue… was the count of aggression.” (5-1001)

Asked if he agreed that the Nuremberg trials were dressed up in a false facade of legality, Hilberg replied, “No, I do not agree.” He admitted, however, that he had no training in international law.

Do you agree, asked Christie, that the principles of Nuremberg were non-existent legal principles?

“I certainly do not agree,” said Hilberg. He continued, “…you are quoting statements by the Chief Justice evidently made privately in which he even said, 'I don’t want to be quoted'. This man was expressing private opinions which are printed, and I don’t agree with them.” (5-1002, 1003)

Hilberg agreed “absolutely” that Chief Justice Stone had this opinion but disagreed whether he was entitled to hold such an opinion: “Well, the entitlement is a difficult question. He, himself, did not feel that he should make his opinion a public statement.”

So, asked Christie, because Did Six Million Really Die? makes similar statements publicly to what the Chief Justice of the United States said privately, you condemn this booklet.

“No,” said Hilberg. “These are two separate issues. The concern of the Chief Justice, apart from the fact that he was annoyed by the prolonged absence of one of the nine brethren in Nuremberg, was the count of aggression, the fact that heretofore there had not been criminal international law, as he saw it, making criminal an aggressive act. He did not like the retroactivity of this count, as he saw it. He made no comment whatsoever about war crimes. He made no comment here whatsoever about prosecuting criminals or killing masses of people. He confined the comment, as you read it to me, to the count of aggression. The booklet, on the other hand, deals with whether 6 million really died and raises the question of whether the prosecutions at Nuremberg were condemned by the Chief Justice for that reason.” (5-1003)]

Hilberg saw “no reason” to make the assumption that Stone was criticizing the whole procedure at Nuremberg: “…it was obvious that he was in a state of discomfiture, to say the least, about the presence of Mr. Justice Jackson, first at the London conference in which the counts were debated and drawn up, and secondly as prosecutor representing the United States. The point about which he was most discomfited was the count of aggression. I said this before. You even showed me the passage… And that, in my opinion, is a different matter from the well-recognized, well-precedented action of crimes being prosecuted if they have happened to be war crimes. War crimes are an established part of customary international law. You certainly know that, sir. You are the lawyer.” (5-1004)

Christie suggested to Hilberg that what Chief Justice Stone had said was — “I don’t mind what he does to the Nazis, but I hate to see the pretense that he is running a court and proceeding according to common law” — and that this was a criticism of the constitution of the whole court, not just the indictment.

“The Chief Justice of the United States,” said Hilberg, “was born and lived with a system of a written constitution in which all crimes, to my understanding of it, are spelled out in statute, laws passed by legislatures. International law is a different proposition, but it, too, defines well- understood crimes that may result in prosecutions; that called war crimes is a well-established branch of international law, as is piracy; but counts of aggression is something new and did not appear prior to the organization of the charter and the tribunal in 1945.”

Can you name me one criminal court, asked Christie, that was set up by one or more nations to try the nationals of another nation in war for anything called the crime against humanity previous to Nuremberg?

“The crime against humanity was not a crime so generous. The crime against humanity was considered only if it happened also to have been a war crime. There was no such thing as trying a person, a German, let us say, for having killed Jews prior to the outbreak of the war on German soil. Such an event could not be prosecuted at Nuremberg. The only way in which so- called crimes against humanity could be introduced, and the record is very clear on that, is if it happened to have been a war crime. To be a war crime, the victim had to belong, by

nationality, to one of the nations at war with Germany or, if the victim did not belong to one of these nations, he had to be killed on the soil of one of the nations at war with Germany. Other than that, one could not find a count of guilt in the case of so-called crimes against humanity." (5-1005, 1006)

Christie repeated Stone's comment that he hated to see the pretense that Jackson was running a court and proceeding according to common law.

"Of course Mr. Justice Jackson didn't run the court," said Hilberg. "He was one of the prosecutors and, obviously, the entire comment from which you are reading is off the-cuff, perhaps interview-type of deliberation, not something that a jurist with the experience and training of Mr. Justice Stone would be writing if he wanted his words to be weighed carefully." Hilberg did not deny, however, that this information was published in Stone's name and was publicly available. (5-1006)

Christie moved to a new topic and asked Hilberg if he had specifically criticized Did Six Million Really Die? for saying that the relationship of the German government to the Jews was the cause of the war. Hilberg confirmed he had.

Christie produced The Forrestal Diaries which Hilberg recognized. Forrestal was the Secretary of the Navy of the United States during World War II, said Hilberg, and was later the first Secretary of Defence of the United States. On page 122 of the book, Forrestal had written:

> Chamberlain, he says, stated that America and the world Jews had forced England into the war.

After an adjournment, Christie went back to the affidavit of Hans Marsalek, where Marsalek swore that Franz Ziereis, the commandant of Mauthausen, stated the following as he was dying:

> A gas plant was built in a concentration camp in Mauthausen by order of the former garrison doctor camouflaged as a bathroom. Prisoners were gassed in these camouflaged bathrooms …

Hilberg agreed these words were allegedly spoken by Ziereis after he was shot three times trying to escape and was dying. Hilberg agreed Ziereis was confessing to gas chambers at Mauthausen.

Christie produced the book A History of the Holocaust by Yehuda Bauer, where at page 209 Bauer wrote:

Although no gassings took place at Mauthausen many Jews, as well as non-Jews, died there in a process the Nazis called "extermination through labor."

Hilberg commented that this book was a "small history written by a graduate student" and that Bauer had "a knowledge, of course, of what transpired inside Nazi Europe, but his specialty in Holocaust studies is the outside reaction to the Holocaust." (5-1009)

Christie put to Hilberg that Bauer, a reputable scholar, stated that there were no gassings at Mauthausen.

"Well, he is a reputable scholar, and in this basic text he stated his best belief, since he had no other information, that there were no such gassings. That is what he stated."

Is that false news?, asked Christie.

"Yes, it is, as it turns out," said Hilberg, "because more recent research published by Alfred Streim in a book about the fate of Soviet prisoners of war in German hands does refer to gassings of Soviet prisoners in a Mauthausen camp. I have not personally done this research. I am, however, familiar with the book and know Mr. Streim to be a very careful researcher."

Was he relying on Soviet information?, asked Christie.

“No, because the camp Mauthausen is in Austria, and he was relying on a variety of sources, including statements made by people who observed and were witness to these events, as well as other material that he had at his disposal, and he has a lot of material at his disposal.”

Would you consider the statement of Yehuda Bauer to be a false statement?, asked Christie.

“Well, I would consider that it is not a correct statement in the light of more recent research. I think that he thought there were no gassings going on, and there were. Now, I am not suggesting that these were large-scale gassings, but there were periodic gassings of Soviet prisoners according to Streim, who in this matter is probably the best authority,” said Hilberg. (5- 1010)

Streim’s book, said Hilberg, was published about two years before. Christie pointed out that the Bauer book was published about the same time.

“Well, you know the publication process of any manuscript takes at least a year. This was what we call in the trade a 'quickie'. It was a rapidly produced book with a graduate student — “

Christie suggested to Hilberg that Bauer, a reputable scholar, said there were no gassings at Mauthausen. It therefore seemed that Ziereis had confessed to something Bauer said didn’t happen.

“And it turns out, according to Mr. Streim, it did happen,” said Hilberg.

So we have conflicting views from reputable authorities on the matter; is that right?, asked Christie.

“Well, you see — you do have conflicting views, but one man, namely Streim, he was the German author I referred to, did rather thorough research. The other Professor Bauer assumed from the lack of evidence at his disposal that there were no gassings.” (5-1011)

Is it your evidence, asked Christie, that the statements about torture at Nuremberg in Did Six Million Really Die? are false?

“I think 'torture' is a rather broad word, especially when used by prospective defendants who said they were tortured. I don’t exclude the possibility of someone having been mishandled by captors, especially immediately after capture. One must take these things realistically into account. They could have happened and, probably in a number of cases, did happen. And if Höss made a statement, signed a statement late in the evening after having been as he says, whipped with his own whip, and in the statement were words written by somebody else that he’s signed, particularly with regard to a number — well, even without having realized that this may have been a statement which he signed, prepared by somebody else, I would not use this number, and I did not use it,” said Hilberg.

He continued, “I don’t think — well, I don’t exclude the possibility of one or another person having been mishandled. Actual torture, that is a broad word, but I do not think it is a broad practice and not, particularly, after the initial period of capture, confusion and the various people, military police and everything else, handling prisoners.” (5-1012)

Hilberg testified that he was not familiar with the Simpson-van Roden Commission mentioned in Did Six Million Really Die?, nor even with the allegations against the Allied forces that Simpson and van Roden were asked to investigate.

Christie put to Hilberg that the commission investigated allegations of abuse committed by Allied forces in their handling of prisoners at Schwäbisch Hall, which included beatings, brutal kickings, the knocking out of teeth and breaking of jaws, mock trials, solitary confinement, posturing as priests, limited rations as deprivation, proposals of acquittal. Had Hilberg heard of such complaints with respect to the investigation at Dachau?, asked Christie.

"Well, I can't say that I haven't heard anything," said Hilberg, "because one does hear things, but I am not aware of anything that is confirmed in the nature of an official finding, and I am not familiar with the particular document you have in your hand." (5-1013)

Christie produced an article in The Progressive written by Judge Edward L. Van Roden in February of 1949 entitled "American Atrocities in Germany" where van Roden had written:

American investigators at the U.S. Court in Dachau, Germany, used the following methods to obtain confessions:

> Beatings and brutal kickings. Knocking out teeth and breaking jaws. Mock trials. Solitary confinement. Posturing as priests. Very limited rations. Spiritual deprivation. Promises of acquittal.

Complaints concerning these third degree methods were received by Secretary of the Army Kenneth Royall last Spring.

Was that a false statement?, asked Christie.

"I could not confirm or deny it," said Hilberg, "because it's the first time I am looking at it, and I have no independent knowledge of what happened."

Christie pointed out that the pamphlet, which he believed Hilberg said he read, referred to the floggings of these prisoners after which their sexual organs were trampled on as they lay prostrate on the ground. Did Hilberg consider these to be false statements?

"Well, I consider that a bit fanciful because I have never seen it corroborated, mentioned anywhere, the particular detail that you have just read," said Hilberg.

Okay, said Christie, I am going to read on from the same article in The Progressive where Judge van Roden wrote:

> Our investigators would put a black hood over the accused's head and then punch him in the face with brass knuckles, kick him, and beat him with rubber hose. Many of the German defendants had teeth knocked out. Some had their jaws broken.
>
> All but two of the Germans, in the 139 cases we investigated, had been kicked in the testicles beyond repair.

Are you aware of those statements having been made sometime in 1949?, asked Christie.

"I am certainly not," said Hilberg, "and if this is an official report, I would certainly like to have been referred to see an official report, rather than an article in a magazine called The Progressive, which I could then read… I have no independent knowledge of the events alleged there." (5-1015)

Christie produced the book *Manstein: His Campaigns and His Trial* written by Field- Marshal Erich von Manstein's defence lawyer R.T. Paget, K.C., M.P. At page 109, Paget wrote:

> This commission, consisting of Judges Simpson and Van Roden, and Colonel Laurenzen had reported among other things that of the 139 cases they had investigated 137 had had their testicles permanently destroyed by kicks received from the American War Crimes Investigation team.

Hilberg testified that he had not read this particular book and did not know Manstein's defence lawyer. (5-1015, 1016)

Would you agree, asked Christie, that this book tends to provide confirmation of the statement in Did Six Million Really Die? that they were flogged and their sexual organs were trampled?

"All I can tell you," said Hilberg, "is that you are reading words that re-appear in the pamphlet. The name Paget as the author of, or counsel of Manstein, he is known to me in an entirely different context, about comments made in the House of Commons about black people. That is the context in which the name is known to me." (5-1017)

Christie asked Hilberg how he would describe the chapter in Did Six Million Really Die? which concerned confessions given under torture.

"All I can say about this column and some additional material on the next page is that it refers to a situation involving several individuals. These are not, in the case of the matters we discussed earlier in Malmédy, Holocaust matters, and so far as the matter regarding the Dachau trial is concerned, I have no independent knowledge of what this particular information alleged here seems to indicate. I still have not seen from you or anyone else the official report, whether it was accepted or not accepted. I know about the Dachau trial, but that is all I can say. It involves personnel in the main, at Dachau. It was an early trial. It was not one of the Nuremberg trials, and what else can I say?" (5-1018)

Maybe you can say whether that column is true or false, said Christie. That is what I asked you.

"It is," said Hilberg, "at the very least, misleading, and the statement is, to my way of thinking, an adequate description of the judicial process that took place in the multitude of trials, particularly important ones at Nuremberg. I never included the possibility of manhandling or of torture, even; but as a description of a general procedure, it's false… If they are by one means to characterize the prosecution of war criminals generally under American, or, for that matter, British jurisdiction, I would not accept it as true."

Well, what about it is false?, asked Christie. What statement there is false on that column?

"If you mean the specific statement regarding this and that particular individual or this and that particular event, I will not comment upon truth or falsity, because I do not have the independent knowledge necessary to make such a comment," said Hilberg.

I put it to you, said Christie, that every single statement on that page is true. Do you deny that?

"Maybe. Maybe not."

Previously you said it was fanciful, said Christie. (5-1019)

"It seems to me to be fanciful still," said Hilberg. "… I would have to be convinced by something better than what you have shown me. You have not shown me a single official document. You have shown me The Progressive magazine and a book by Paget."

So you still maintain it's fanciful, asked Christie.

"That is the description of what is in my mind when I look at it. I do not exclude the possibility of elements of truth in this allegation… I have no independent knowledge of what transpired. One is hard-put, ever, to say something did not happen. You should know this in this trial."

Hilberg testified that he was aware that there were accusations of the use of physical violence against the accused at the Malmédy trial. (5-1020) He was not familiar, however, with a speech made by Congressman Lawrence H. Smith in the United States House of Representatives which appeared in the Congressional Record of March 10, 1949.

Would you consider remarks made in there which, in fact, repeat the accusations that I've raised as still being fanciful?, asked Christie.

“All I could tell you, sir,” said Hilberg, “is that as a sometime reader of the Congressional Record, most anything will be included at the Congressional Record, including the raising of radishes.”

So you consider these accusations in the category of such ludicrous things as the raising of radishes?, asked Christie.

“All I am telling you, sir, is that if you wish to convince me of something, show me at least an official document, and not the allegations repeated and repeated and repeated, which are included in various publications. The Congressional Record is not one which one looks for any final authoritative statement in regard to certain matters, because members of Congress are given free rein to publish anything they wish there.”

So you consider the suggestion that there was a Simpson-van Roden Commission to be just a fanciful figment of my imagination?, asked Christie.

“I am not saying to you that there was no such commission,” said Hilberg. “I testified that I didn’t know about it. I would like to see, if you want me to take a stand on something or other, its official report and the way it was received or not, approved of or not. I have no independent knowledge of the matter.” (5-1021)

Christie asked Hilberg what he would consider authoritative. Would he consider an article in the New York Times of that date to be authoritative?

“I am a document man,” said Hilberg, “… And I would look at documents also if they describe American actions or British actions in preference to anything in a newspaper, even the New York Times, because so long as one can look at and have access to official, reliable information, why not use it?”

Well, this was common knowledge at the time sir, suggested Christie. Would you disagree?

“Well, to some extent the Malmédy trial, which involved the prosecution of German personnel who have alleged to have gunned down American prisoners of war, was certainly a matter of common knowledge, and the manner in which these prisoners were treated and the allegations is also a matter of common knowledge. There was great anger in the United States about the shooting of American prisoners, and it is not impossible, in my mind, that the Germans, once caught, were not treated appropriately in accordance with the judicial processes necessary.” (5-1022)

Isn’t the thesis of this pamphlet, asked Christie, that in view of the fact that there was torture involved in regard to the Dachau and Malmédy trials, that it is reasonable to believe that the same atmosphere existed in relation to the International Military Tribunal?

“Well, that is the crux of the matter,” said Hilberg. “I am glad you raised the question, because, you see, the International Military Tribunal and the subsequent trials were conducted in an entirely different atmosphere. They were not immediate post-war events. They were not localized events. They involved carefully monitored and carefully — procedures in every respect with highly-trained police making sure that prisoners were not maltreated.”

Christie asked whether Hilberg considered books such as Crossroads of Death: The Story of the Malmédy Massacre and Trial by James J. Weingartner to be authoritative.

“Counsel, if you are going to empty the Library of Congress, its books, you will discover that I haven’t read most of them. This is one,” said Hilberg.

You set yourself up as an expert, said Christie, to say that articles that the accused is alleged to have published are fanciful, and then when I come forward with books, newspaper clippings, you just say, 'I don’t know'. Now, how do you justify that?

Judge Locke interjected and instructed Hilberg he did not have to answer the question.

Christie produced Crossroads of Death by Weingartner and asked Hilberg if he took issue with the following passage in the book at page 192:

Simpson, van Roden, and Lawrence expressed the by now customary reservations concerning certain of the "tricks and ruses" employed by the American investigators, in particular, the so-called "mock trials." Nevertheless, they professed to be satisfied that the twelve death sentences which had been confirmed had been assigned to men whose guilt had been adequately demonstrated. They doubted, however, that an American court martial would have imposed sentences sterner than life imprisonment upon Americans convicted of similar crimes. In view of what appeared to be improper investigative methods and an absence of even handed objectivity in sentencing, therefore, the report recommended that all death sentences be commuted to life imprisonment.

Judge Locke disallowed the question on the grounds that Hilberg had not read the book.

Do you maintain, asked Christie, that it isn't true that the 139 prisoners were beaten in the way described in this booklet?

"May I repeat for the fourth time," said Hilberg, "that I have no independent knowledge of the treatment of the 139 prisoners and the events in the Dachau trial."

Then why do you say it's fanciful?, asked Christie.

"Because I was asked how this particular passage struck me. This is how it struck me. This is how it still strikes me. I am, of course, willing to look at something that contradicts what my impression is."

It has to be a document, is that right?, asked Christie. (5-1025)

"It had better be something that is a little more authoritative than you have shown me," said Hilberg.

Christie asked whether Hilberg would agree that Samuel Untermeyer was the president of the World Jewish Economic Federation.

"There are lots and lots of Jewish organizations," said Hilberg, "some of which last a very short time. I am not familiar with this one, and what it did or didn't do, at the moment." (5-1026)

Would you agree, asked Christie, that many of the famous people of the era of the Nuremberg trials regarded them as a travesty of justice?

"Many famous people?… How many is many — two, three?," said Hilberg.

Forrestal, suggested Christie, who was somewhat prominent, regarded them as very unfair. Would you agree?

"Mr. Forrestal, who was Secretary of the Navy and subsequently Secretary of Defence, and whose business was military, may well have had this opinion; but of course, as I pointed out, his area of responsibility was defence."

Hilberg denied that he took the view that it was not quite right to derive information from sources other than documents. Nevertheless, he indicated that what had been produced by Christie did not satisfy him. (5-1027) "And most especially it doesn't satisfy me as to the whole trend of the argument which you implied in one of your questions, or actually stated that what happened before the Malmédy trial, or before the Dachau trial, is also indicative of the atmosphere of Nuremberg, and I could not agree with that."

Are you familiar, asked Christie, with the book Review of the War Crimes Trials? by Dr. Rudolf Aschenauer?

"Yes, I have perused that book once," said Hilberg. "I have not read it thoroughly…I could not comment about all of it because, although I perused through it, reading it was worthwhile and my decision was contrary."

Because it does not agree with your belief?, asked Christie.

"Not at all. I welcome, I welcome, look for, search for materials that do not agree with my conclusions or my assumptions, provided that they contain a basis upon which I can look," said Hilberg.

Christie asked whether President Kennedy was someone to whom Hilberg might look.

"The President as President, or the President long before he was President?," replied Hilberg. (5-1028)

The President who wrote the book Profiles in Courage, said Christie.

“Yes,” said Hilberg. “And how old was he when he wrote that?”

Well, I don’t really know, said Christie.

“Well, quite young.”

That makes a difference, does it?, asked Christie.

“It makes some difference.”

He was complimentary to Senator Robert Taft in the book, said Christie.

“That’s right.”

Because he had taken issue with the Nuremberg war trial even though it was [popular] at the time; isn’t that true?, asked Christie.

“That’s correct,” said Hilberg. “The President of the United States, Mr. Kennedy, had one favourite word, it was 'courage', that he used frequently. He sought out and wrote about figures that, in his eyes, were worthy of emulation. Senator Taft was not the most popular figure in the United States. He was a presidential candidate, but Senator Taft was a person who spoke his mind, and he spoke his mind in regard to Nuremberg. He didn’t like it, particularly, once again, with respect to the charge of aggression. With Kennedy, what I take to have admired in Taft, was Taft’s willingness to stand up and voice an unpopular and unaccepted opinion.” (5-1029)

Are you familiar with what Senator Taft said about the Nuremberg trials?, asked Christie.

“I can’t quote verbatim what he may or may not have said, but he did utter some statements which were critical of the trial, the first trial,” said Hilberg.

Would you agree, asked Christie, that Taft said the following: 'My objections to the Nuremberg trial was that while clothed in the form of justice, they were, in fact, an instrument of government policy determined once before at Tehran and Yalta.'

“Well, he said that,” said Hilberg. “He wasn’t entirely accurate in this matter, but he said that.”

You, of course, know when the objectives of the Nuremberg trials were established, suggested Christie.

“Well, in fact I do. I don’t wish to appear to be the all-knowing witness who knows better than U.S. Senators, but I have devoted a great deal of time to studying the documents leading up to the Nuremberg trials. The decision to hold the trial was a late decision of much debate,” said Hilberg.

It is my understanding, said Christie, that you are familiar with the learned author, Nahum Goldmann?

“I would not describe him as you just did,” said Hilberg.

Are you aware of the fact, asked Christie, that Goldmann attributes the concept of Nuremberg to jurists Jacob and Nehemiah Robinson?

“One of these gentlemen, to my knowledge, was a lawyer,” said Hilberg. (5-1030)

Christie produced the book The Jewish Paradox by Nahum Goldmann and read from page 122:

> During the war the WJC [World Jewish Congress] had created an Institute of Jewish Affairs in New York (its headquarters are now in London). The directors were two great Lithuanian Jewish jurists, Jacob and Nehemiah Robinson. Thanks to them, the Institute worked out two completely revolutionary ideas: the Nuremberg tribunal and German reparations.

The importance of the tribunal which sat at Nuremberg has not been reckoned at its true worth. According to international law it was in fact impossible to punish soldiers who had been obeying orders. It was Jacob Robinson who had this extravagant, sensational idea. When he began to canvass it among the jurists of the American Supreme Court they took him for a fool. 'What did these Nazi officers do that was so unprecedented?' they asked. 'You can imagine Hitler standing trial, or maybe even Göring, but these are simple soldiers who carried out their orders and behaved as loyal soldiers.' We therefore had the utmost trouble in persuading the Allies; the British were fairly opposed, the French barely interested, and although they took part later they did not play any great part. The success came from Robinson managing to convince the Supreme Court judge, Robert Jackson.

Do you believe that to be a statement of the true origin of the establishment of the International Military Tribunal?, asked Christie. (5-1031)

“It is obviously untrue, preposterous, and were it not for the age of the person who wrote the book, I would have said naive,” said Hilberg.

Well, he’s a fairly important person, isn’t he, sir?, asked Christie.

“Indeed he is important in the political realm, and he is given to all kinds of statements. I do not credit him with being an authority in matters of history. He is an axe man — in other words, a politician.”

Hilberg testified that he was familiar with Mr. Justice William O. Douglas of the Supreme Court of the United States and considered him an honourable man with moral judgment. (5-1032) Christie produced the book Dönitz at Nuremberg: A Reappraisal and read a statement made by Douglas concerning the trials:

I thought at the time and still think that the Nuremberg trials were unprincipled. Law was created ex post facto to suit the passion and clamour of the time. The concept of ex post facto law is not congenial to the Anglo-American viewpoint on law.

Do you agree with those statements?, asked Christie.

“I agree that the American concept of law in matters of criminal behaviour is such that it is considered an injustice if something is made a crime after the act alleged to have been committed had already occurred, but these particular concepts are confined to American constitutional law; they are not incorporated in the international criminal law; and in this case, as well as the many other comments, the question of retroactivity pertains to the count of aggression,” said Hilberg.

Christie asked whether Hilberg agreed with the following statement by Justice Douglas:

> Scholars have searched frantically for little pieces of evidence of whether there was ever an International law and have pieced together fragments that in their minds justify the conclusion that aggressive war is an international crime — but the reasoning in those cases is shaped to the urgent necessity to find an ex post facto justification for what was done.

“I agree,” said Hilberg. “Let me put it this way. I agree that the count of aggression caused anguish, anxiety and trouble in the legal community, and with that I agree. And I was going to say, although I am not a member of the legal community other than a member of the American Society of International Law, which is not the same thing, that I, personally, would have been just as happy without this count in the indictment about which we are talking so much this afternoon.” (5-1035)

Hilberg agreed that the count was part of the Nuremberg proceedings and that it was criticized in Did Six Million Really Die? in that Nuremberg was referred to as a totally unjustified exercise. “But,” he continued, “there were several counts in the indictment… And the count of aggression is one thing, and the count of war crimes is something else… I cannot agree with the statement that the Nuremberg trial was unjustified.”

Did he consider the statement in the pamphlet that the Nuremberg trials were unjustified to be totally wrong?, asked Christie.

“I consider it wrong insofar as the crimes committed, so-called war crimes, and the sub- category of crimes against humanity is concerned. Either we do have a judicial system that can punish crimes, or we don’t,” said Hilberg. (5-1037)

Was there ever before Nuremberg an International Military Tribunal set up of the victor nations to judge the nationals of the defeated nations?, asked Christie.

“I am not aware of an international tribunal… In the criminal sphere,” said Hilberg.

I put it to you, said Christie, that it wasn’t international; it was of the Allies, in fact.

“Well, 'international' is a definition of any two or more nations,” said Hilberg. He had “no quarrel” that to a layman, Nuremberg might appear to be a tribunal of the victors. Hilberg agreed that Richard Harwood “apparently” didn’t have the expertise and knowledge that he himself had. (5-1037, 1038)

Christie suggested to Hilberg that affidavits such as that of Hans Marsalek appeared to be a very suspect kind of evidence.

“Well, suspect to whom?,” asked Hilberg. “In other words, to me it was a document to be used very carefully, and I am not entirely sure that I used it more than once with reference to a minor matter, but — it’s rather obvious that a layman confronted with a fragment of history in the form of a document should be careful in using it, because the document does not explain itself.”

That’s your view of the document, sir, said Christie. But a layman looking at it would form the opinion, first of all, the man was dying; second, they interrogated him for six to eight hours after he had been shot; and thirdly, they take the statement and they kind of put it in the policeman’s handwriting and he swears the guy said it, right?

“Yes,” said Hilberg.

It looks suspicious, doesn’t it?, asked Christie.

“You mean as a forgery, or as an unfair thing to do to a wounded man?, “ asked Hilberg.

Unfair thing to do, said Christie.

“Well, as I said, I have difficulty reconstructing what is fair or unfair in these circumstances. I don’t know how badly wounded he was, what kind of care he had, whether physicians were consulted. It is hard to say this. I, personally, would be reluctant to say the least question of anybody who was in a state of discomfort, but that is, you know…” (5-1039)

In respect of the major trial, the International Military Tribunal, you maintain that there was no suggestion there was torture there?, asked Christie.

“I don’t believe that there was torture in the course of the Nuremberg trials,” said Hilberg.

Was there an allegation of torture in the course of the Nuremberg trials?, asked Christie.

“Now you are asking me who alleged what. I can’t answer that, because there could be all sorts of allegations.”

In the tribunal proceedings, suggested Christie, there was a major accused by the name of Streicher who certainly alleged that he had been tortured.

“I don’t recall the allegation,” said Hilberg. “I am not saying it wasn’t there, but there are twenty-two volumes and I don’t remember every single word.” (5-1040)

Christie produced an article from the Times of London, Saturday, April 27, 1946:

Raising his voice to a shrill cry, he declared that after he found himself in allied captivity he was kept for four days in a cell without clothes. “I was made to kiss negroes' feet. I was whipped. I had to drink saliva,” he declared.

He paused for breath, and then screamed: “My mouth was forced open with a piece of wood, and then I was spat on. When I asked for a drink of water I was taken to a latrine and told, 'Drink'. These are the sort of things the Gestapo has been blamed for.”

Do you recall those allegations being made in the course of the trial?, asked Christie.

“No.”

Would you be prepared to deny that they were made?, asked Christie. (5-1041)

“I cannot deny,” said Hilberg, “because as I said, I might overlook something that — if that allegation had been made, and if anything were to it, I dare say I would have found that particular passage and discussion of it, but I don’t know — I certainly do not recall any such passage in the transcript of the trial, and I do believe I read every word, and if the allegation was made out of court, if it was made out of some context that is outside Nuremberg after his capture by unknown assailants and captors, I cannot comment.”

Christie suggested that the allegation was made during the course of the trial. Was it possible, asked Christie, that Hilberg had overlooked it?

“It is conceivable that I overlooked it, but I do wish that you could show me the trial record, if it was, indeed, an allegation made before competent judges,” said Hilberg. (5-1042)

Christie produced the transcript of the International Military Tribunal referable to Fritz Sauckel from 13 December, 1945, where there was an allegation of torture in respect to the obtaining of a document with the result that the prosecutor Dodd withdrew the document.

“No,” said Hilberg. “The word used is 'coerced', not 'tortured'… And inasmuch as there was a question about the nature of this coercion and what it was, Mr. Dodd simply, in all fairness, wasn’t going to use the document… But there is no allegation of torture, here. None whatsoever… 'Coercion' could be all kinds of things.”

Was it, in your knowledge, true that if certain people did not say certain things to the interrogators at Nuremberg, they could be turned over to the Russians?, asked Christie.

“I have read a number of interrogations, since these are matters of record. I have not run across that particular type of threat. It might have occurred. It’s an open question whether this is a permissible or impermissible technique. It’s common knowledge that many of the witnesses, the German witnesses, were given what was in their mind a choice of testifying for the prosecution or, in the case of refusal to testify for the prosecution, being turned over to the Russians for crimes they committed inside Russian territory. Now, whether this was pointed out to them in some way, whether this was the nature of coercion which factored their decision to co-operate or not, I can’t say, but I can conceive of it.” (5-1043)

That, to me, is a rather unclear answer, said Christie. Do you mean yes or no?

“Well, you are a criminal lawyer. There is a witness that you want. You want someone to testify for the prosecution, let us say, and this person would, perhaps, not like to do that for a variety of reasons. You point out to him the consequences of not co-operating. It might be extradition; it might be that he, himself, was betrayed right here; it might mean a number of consequences. I don' know that I would characterize that as coercion, certainly not torture, although a person might be tortured by having to make a choice, as I was tortured yesterday as to whether to continue testifying or go home and meet my classes; but surely I was not coerced.”

So you define the choices by this witness in Nuremberg to your difficulty of having to testify or not?, asked Christie.

“Surely my dilemma was much smaller,” said Hilberg, “but all the same, real.”

Christie produced the transcript of the Iinternational Military Tribunal proceedings from 30 May, 1946 where Sauckel, one of the major accused, testified as follows:

SAUCKEL: I confirm that my signature is appended to this document. I ask the Tribunal's permission to state how that signature come about.

This document was presented to me in its finished form. I asked to be allowed to read and study this document in my cell in Oberursel and decide whether I could sign it. That was denied me. During the conversation an officer was consulted who, I was told, belonged to the Polish or Russian army; and it was made clear to me that if I hesitated too long in signing this document I would be handed over to the Russian authorities. Then this Polish or Russian officer entered and asked, "Where is Sauckel's family? We know Sauckel, of course we will take him with us; but his family will have to be taken into Russian territory as well." I am the father of 10 children. I did not stop to consider; and thinking of my family, I signed this document.

When I returned to my cell, I sent a written message to the commandant of the camp and asked permission to talk with him alone on this matter. But that was not possible, because shortly afterwards I was brought to Nuremberg.

"Well, he made that statement, yes," said Hilberg. "…He was alleging that if he would — evidently, somebody talked to him, being a member of the Polish or Soviet army, that if he were too long, he would be extradited." (5-1046)

Hilberg denied that any person had been sent to the Soviet Union following denaturalization proceedings in the United States and "certainly none involved in the proceedings that I have been involved in… I have not been informed of anyone going to any Communist country at any other proceedings I was involved in."

Are you aware, asked Christie, of what would happen to a German officer such as Sauckel if he was sent to the Soviet Union, as Höss was?

"Well, you see, Höss was accused of multiple murder and multiple hangings at Auschwitz, meaning the recruitment of forced labour in Russia and Europe and all over Europe with many deaths occurring might very well have suffered, in anyone's custody, the penalty of death; on the other hand, many people convicted in the Soviet Union of war crimes were released and returned to Germany in the 1950s. So not everybody was executed… I would say that for certain individuals, the expected penalty, given the fact that the death penalty was in use, would have been death by hanging or something like it, no matter where they had been tried, because the evidence was so overwhelming."

Because the public opinion was so overwhelming, sir, suggested Christie.

"Well, I am still of the view, which is strange for me, to express to you that a judge is a judge and resists public opinion. I speak, at least, for American and British and French judges."

Christie asked whether Hilberg took the same complimentary view of Mr. Justice Wennerstrum of the Nuremberg Military Tribunal.

"I'm sure that he did his job as he saw fit. Remarks have been attributed to him… I am familiar with the attributions, yes, which, not of a judicial temperament — " (5-1047 to 1049)

Christie produced the Chicago Tribune of February 23, 1948, where Wennerstrum was quoted in an interview as saying:

"Obviously," he said, "the victor in any war is not the best judge of the war crime guilt. Try as you will it is impossible to convey to the defense, their counsel, and their people that the court is trying to represent all mankind rather than the country which appointed its members."

The initial war crimes trial here was judged and prosecuted by Americans, Russians, British, and French with much of the time, effort and high expenses devoted to whitewashing the allies and placing the sole blame for World War II upon Germany.

“What I have said of the nationalist character of the tribunals,” the judge continued, “applies to the prosecution. The high ideals announced as the motives for creating these tribunals has not been evident.

“The prosecution has failed to maintain objectivity aloof from vindictiveness, aloof from personal ambitions for convictions. It has failed to strive to lay down precedents which might help the world to avoid future wars.
Germans Not Convinced

“The entire atmosphere here is unwholesome. Linguists were needed. The Americans are notably poor linguists. Lawyers, clerks, interpreters, and researchers were employed who became Americans only in recent years, whose backgrounds were imbedded in Europe’s hatreds and prejudices.”

Christie suggested that in this last remark Wennerstrum was implying that there were a large number of Jewish persons on the prosecution.

“Absolutely,” said Hilberg. “That was the implication and the attribution, and it was, in fact, somewhat largely false.” (5-1050, 1051)

Largely false in your opinion, said Christie, but he was making these remarks?

“Yes, but he was assuming things of people being Jewish by things of this kind. People do not go around in the United States, and people do not go around in the armed forces, and people do not go around in the prosecution with yellow stars identifying them,” said Hilberg.

But it was his opinion, repeated Christie, and he expressed it publicly that he felt that a large number of Jewish persons were involved in the prosecution?

“That was his wrong opinion,” said Hilberg.

Christie continued reading from the Chicago Tribune article which quoted Wennerstrum as saying:

“The trials were to have convinced the Germans of the guilt of their leaders. They convinced the Germans merely that their leaders lost the war to tough conquerors.”

Hilberg did not remember this passage but agreed it was “certainly in keeping with the man.”

Christie continued reading:

“Most of the evidence in the trials was documentary, selected from the large tonnage of captured records. The selection was made by the prosecution. The defense had access only to those documents which the prosecution considered material to the case.

“Our tribunal introduced a rule of procedure that when the prosecution introduced an excerpt from a document, the entire document should be made available to the defense for presentation as evidence. The prosecution protested vigorously.”

Hilberg testified that the captured records referred to by Wennerstrum were not from Alexandria, Virginia. “Long before those documents were at Alexandria, Virginia, they were in other depositories — London, Paris, Berlin — and the documents were there. It was later that they were shipped to Alexandria.”

He agreed that the selection of documents was made by the prosecution and that the defence could not have access without permission from the prosecution. “Surely. But they had permission… there always are complaints. I've heard them in courts often enough during the process of discovery.” (5-1052, 1053)

“He was assailed for making several of these remarks,” said Hilberg. “I would not assail him for all of the remarks, especially the last one. If I am being shown a document which is truncated, I would like to see the whole document. You showed me a truncated Stroop report. Well, I would like to see the whole report, and I completely sympathize with this criticism; but the business of imputing the prosecution, saying that they are Jews — Schrer, who was not Jewish, was thought of as a Jew, and things like this — does not speak of judicious temperament, even though these remarks were made out of court to a variety of people.”

Christie pointed out that Wennerstrum’s remarks were quoted in Did Six Million Really Die?.

“I don’t, offhand, recall. If you say they are, I would accept that,” said Hilberg. (5 1054)

Christie read from page 12 of the pamphlet:

€ The real background of the Nuremberg Trials was exposed by the American judge, Justice Wenersturm, President of one of Tribunals. He was so disgusted by the proceedings that he resigned his appointment and flew home to America, leaving behind a statement to the Chicago Tribune which enumerated point by point his objections to the Trials.

Hilberg testified that he had “no disagreement” that Wennerstrum in fact made the comments attributed to him in Did Six Million Really Die? by Harwood.

Christie turned again to Hilberg’s research methods. Hilberg confirmed that his general procedure was to enquire how there was an extermination programme for Jews.

Have you, asked Christie, in the course of finding out how, ever visited an American gas chamber where they use hydrocyanide gas for executions in some states to find out how difficult it is, how time-consuming, how dangerous?

“I've seen one of these,” said Hilberg, “but I have made no enquiries. I have made no studies of either the difficulties or the preparations or the chemistry that is involved.” (5-1056)

Christie asked Hilberg to read the portion of his book The Destruction of the European Jews which described a gassing Hilberg had referred to earlier in his testimony. Hilberg read the following passage from page 642 of his book:

One year later, on May 1, 1942, Gauleiter Greiser of the incorporated Wartheland reported to Himmler that the “special treatment” of 100,000 Jews in his Gau would be completed in another two or three months. Greiser then proceeded in the same paragraph to request Himmler’s permission for the use of the experienced (eingearbeiteten) Sonderkommando at Kulmhof in order to liberate the Gau from still another danger which threatened “with each passing week to assume catastrophic proportions.” Greiser had in his province 35,000 tubercular Poles. He wanted to kill them.

Hilberg indicated that his footnote for this passage referred to Nuremberg document NO-246, a letter from Greiser to Himmler dated May 1, 1942. (5-1057)

Christie suggested there was nothing in this document about killing or gassing anyone.

“What it indicates is that at the moment, when Greiser wrote his letter, there was a Kommando… which is simply a detachment, working in Kulmhof, a killing centre, a death camp —,” said Hilberg.

Did he say that, asked Christie, or is that your word?

“I am trying,” said Hilberg, “to describe the document. I am trying to differentiate between his interpretations and his words. Now, I am trying to explain what he meant. He had a Kommando at that very moment killing Jews, and he had — while he had the gas masks, he had another problem on his hands — not only Jews, but 35,000 tubercular Poles who might infect the German resident population. At this point, because of the fortuitous point of having the killing centre at hand, he asked for permission to kill these 35,000 Poles.”

With the greatest respect, said Christie, I don’t see any reference to the killing of 35,000 Poles or the killing of anyone from the document itself. Would you agree?

“Well, of course, this particular item appears at a late stage of the book in the context of a description of everything that transpired there, and all I could say to you is that one cannot, in such a book, repeat the basics on every page,” said Hilberg. (5-1058)

If you could quote the document at all to say where this was an order to kill anyone, or a suggestion that there was an intention to kill anyone, why not do it?, asked Christie.

“I am not speaking of orders. I am saying that Greiser makes reference to a Kommando, an experienced group of people. Now, at the moment of his writing this letter they are working in Kulmhof, and while they were still there, because they weren’t going to be there forever — there wasn’t an inexhaustible supply of Jews in this town — he wanted Himmler’s permission to also subject to the same treatment, meaning of course gassing, 35,000 tubercular Poles. This was not a hospital.”

I gather you are giving us your interpretation of the document?, asked Christie.

“Yes. And it’s my further statement to you, sir, that Kulmhof, a little village, does not have a major hospital accommodating 35,000 patients,” said Hilberg.

Where in the document, asked Christie, did it say anything at all about taking 35,000 tubercular Poles to Kulmhof?

Hilberg asked to see the document again.

“He was making reference to his 'experienced Sonderkommando in Kulmhof in order to liberate the Gau from still another danger', and that danger was that of infection by 35,000 tubercular Poles. He wanted this danger to be eliminated,” said Hilberg. (5-1059)

Christie asked Hilberg to state exactly what the document itself said.

“The document said he was completing the 'special treatment', in German sonderbehandlung, of 100,000 Jews,” said Hilberg. “He expected that this particular operation would be completed two or three months from the moment of his writing the letter… In the same paragraph, he suggests that while this Kommando was there, his experienced Kommando, the 35,000 tubercular Poles should also be conveyed there… that’s my summary from memory of the verbatim text.” (5-1060)

Hilberg agreed that he interpreted the phrase sonderbehandlung (special treatment) to mean “killing.”

“It was used in German correspondence as a synonym for killing, not only for Jews, but also for certain other categories of persons who, in the context, within the meaning of the communications that were sent, were intended to be killed. It was a euphemism,” said Hilberg.

Was the word sonderbehandlung always to be defined as “killing"?, asked Christie.

“No, of course not. One could go to a hospital and get special treatment. One could go to a hotel and get special treatment. It is a word,” said Hilberg. He continued, “All meanings are from the context, of course… the words 'special treatment' recur and recur in documentation. I have already made reference to the use of it by Korherr in his report, and the fact of the matter is that Himmler thought it was used too much. It had lost its utility as a euphemism and he didn’t want it used anymore.”

Christie produced the transcript of the Nuremberg trial for April 12, 1945 where Kaltenbrunner, one of the accused, was asked the meaning of sonderbehandlung. Christie suggested to Hilberg that Kaltenbrunner gave an answer which did not agree with Hilberg's.

“I am quite sure he didn’t,” said Hilberg. (5-1061, 1062)

The answer Kaltenbrunner gave, suggested Christie, didn’t indicate sonderbehandlung had anything to do with killing.

“No. He is certainly trying, in this answer, to deflect all possible imputations to be drawn from this expression about his own role and responsibilities… This was not, in fact, in the context of the Jews. This was a different matter which was here being discussed. It was not the Jewish Holocaust. The word, as I said, was used repeatedly, 'special treatment' — Poles, commissars, anybody including even mental patients, could be conveyed to special treatment. He said it was a humorous expression, or something of this sort. I don’t really want to summarize it. If you want me to read it, I'll be glad. The man was on trial for his life because he was the chief of the Reich Security Main Office.” (5-1063)

Dr. Richard Korherr wasn’t in the same category as Kaltenbrunner, was he?, asked Christie.

“No. Korherr was not tried, and certainly was not of that high rank,” said Hilberg.

Christie suggested to Hilberg that Korherr had endeavoured to find the meaning of sonderbehandlung and it was explained to him by those in authority who were helping to prepare the report that it meant “resettlement.”

“You are referring, no doubt, to the letter that he wrote to the newspaper in the 1970s?… And I indicated to you before that I had seen four statements that Korherr had made much earlier describing in detail the exact usage of terminology in his report,” said Hilberg.

Could you show us one of those?, asked Christie.

“Well, I did not bring them with me. I would have been very happy if I had known that you wanted to see them,” said Hilberg.

You didn’t think at the outset that it would be necessary for you to back up anything you said with a document?, asked Christie.

“The problem of document selection is not mine,” said Hilberg. “It is for the Crown to decide. I could not bring a railroad car full of documents with me, nor would I have had the time to invest a half year or a year to explain them all… I was not asked to bring any documents, sir.” (5-1064)

Hilberg agreed that one of the four Nuremberg judges was I. Nikitchenko, who had been one of the judges in the purge trials in Moscow in the 1930s.

Doesn’t that fact lead you to think that the process at Nuremberg was questionable?, asked Christie.

“No,” said Hilberg. “When we read the judgment we find out very clearly that, whereas Nikitchenko had altogether different conceptions of the law, he also dissented when the majority, meaning the British, American and French judges, decided not to convict one of the defendants, or not to impose a death sentence. He and he alone felt that just going to trial meant that these people were convicted anyway. I suppose that this is a Soviet view. I don’t mean to be disrespectful here, even to the Soviet Union, but fact is fact. This is not the sort of judge that we like to see judging people if we can help it, but the Soviet Union was a party to the treaty. He had one out of four votes, and his vote did not prevail.” (5-1065)

Would you say that anywhere in the Korherr report there is any reference to killing anyone?, asked Christie.

“As I said before, there was no such use of the word 'kill'. It would not have been accepted. It would have been proscribed. If even 'special treatment' was not acceptable, how could the man use the word 'kill'? There is, however, no ambiguity to what happened to certain numbers of people as specified in the Korherr report. When he says 'dragged through'… there is no question as to what that means…Not transit camps. Certain camps in the Government General… There is no usage there of the transit camps.” The German word for “transit camps,” said Hilberg, was Durchgangslager or Dulag for short. (5-1066)

Hilberg agreed that he was familiar with a book entitled Six Million Did Die published in South Africa.

Do you agree, asked Christie, with the depiction on page 74 of the camps which they depicted as concentration camps on one hand and extermination camps on the other?

“By and large I would not include Stutthof as a death camp,” said Hilberg, “although one may do so. This is a matter of definition.”

Christie pointed out that the same map also appeared on page 17 of Did Six Million Really Die?. He suggested that Hilberg didn’t think there was anything false about the map because it was in a book he agreed with.

“I may have testified about this before,” said Hilberg. “Now, my recollection is no longer so firm as it might be, and I said then that the map as depicted here is, by and large, subject to certain amendments I would make in it, more or less a correct depiction. I would not involve Stutthof … other than that I wouldn’t argue with it substantially, no.” (5-1067)

Christie suggested to Hilberg that the map portrayed the position of exterminationists today, but that, at one time, such a map would have included death camps in Germany also.

“Well, of course, there have been all kinds of maps and all kinds of depiction’s and all kinds of errors,” said Hilberg. “You know, I have seen labellings this way and that. I have made my own definition of a death camp as a facility the primary purpose of which is conveying people to their deaths. There were camps in which this happened, but that may not have been the primary purpose of the camp. One can still argue whether this or that camp did have this or that primary purpose. One can also argue as to whether some small camp with such a purpose should or should not be included. I have simplified the matter somewhat as one must, and I have said I shall concentrate on certain camps. I concentrated on six. I would not include Stutthof.”

I suggest to you, said Christie, the difference between the camps on the right in that map and the camps on the left is the existence in the ones on the right of what are called gas chambers for killing people. Would you agree?

“Gas chambers or gas vans,” said Hilberg. (5-1068)

So the allegation that you accept and maintain here, said Christie, is that the camps on the right exist as a different kind of camp from the camps on the left?

“Yes.”

And the camps on the left are in what we now know as West Germany, or Germany proper?, asked Christie.

“Well, yes, more or less. One in French territory, one in Dutch territory, one in Austrian territory,” said Hilberg. He agreed that “most” of these camps were liberated by the Allies, while all of the camps on the right were captured by the Soviets.

Do you agree, asked Christie, that the Soviet Union was more capable of atrocity propaganda than were the Allies?

“What do you mean by atrocity propaganda?,” asked Hilberg.

I suggest to you, said Christie, that the Polish government chose to put a monument at Auschwitz —

“Oh, that sort of thing. Yes… I have seen this monument, and… As to number it is certainly not correct,” said Hilberg. (5-1069)

The Soviet government and those governments with Communist sympathies, suggested Christie, tended to have a deeper and more violent anger and hatred towards the Nazis than, apparently, the Allies seemed to have.

“Well, you know,” said Hilberg, “that is for everyone a matter of conjecture. I would say this much. The occupation forces, military and civilian, in the occupied territories of the Soviet Union, did a frightful amount of damage and caused many deaths. They did not invade the United States or Canada. They did not even invade Britain, and although they bombed it, and it is natural to expect that people who suffered acutely from loss of many deaths in ways that there seemed to be wanton and unnecessary brutality should develop feelings towards the occupation forces of the enemy that had been there, to that extent I can readily agree that there was at the bottom a different feeling and a more violent one against the Germans; and yet I would not say that the number in Auschwitz or the other numbers that have been stated, such as still is being stated by the Soviet Union about the total losses is a propagandistic number. It could be incompetence. It could be that they could not understand the circumstances at the beginning, or did not count adequately, and they evidently didn’t.” (5-1070)

I suggest to you, said Christie, that the thing that makes the eastern camps attributed to be extermination camps and the western camps attributed to be simple concentration camps was that the objective observers that observed the western camps at the time could not go into Auschwitz, Treblinka, Sobibor and Stutthof.

“Well, that’s — no, I can’t agree with that because obviously it is the west rather than the Soviet Union that captured the bulk of the German records, even though the Soviet Union and its satellites does have a substantial number of interesting and even indispensable documents. I do believe that much that was known from the beginning about at least some of these camps derives from Western sources. Moreover, I think most of what we know about Treblinka, Belzec and Sobibor at this stage of the game derives from West German sources, that is to say, the findings and trials conducted in West Germany in the 1960s. So I would not say that we rely upon what Soviet propaganda may have said or issued in order to make the determination as to where the killings took place.”

I suggest to you, said Christie, that the documentary evidence surrounding the camps and in the camps was captured by the Soviet Union and nobody else. Do you agree?

“No. No. A certain number of documents were captured by the West, and a certain number of documents, as I said, were captured by the Soviet Union. It’s not a matter of one country having everything.”

Christie repeated that he had asked regarding the documents inside the camps, and all the people in the place and whether they were captured by the Russians.

“Well, I would not say it about the people, because, of course, the personnel were evacuated and they were not captured by the Soviet Union. I mean the personnel of the camps… I am talking about, well, Treblinka, Belzec and Sobibor, were obliterated before the Soviets got there, but the other, Lublin, only a small portion were captured; but in the case of Auschwitz, to my knowledge, the Soviet Union did not capture any German personnel — they all went west,” said Hilberg.

The whole site, suggested Christie, was within the Soviet sphere of control, and nobody from the west was allowed into those camps to investigate, isn’t that right?

“Well, I don’t know of any requests made to investigate… When you say no one was allowed, it implies some request,” said Hilberg. “… All I could say is, I know of no Western investigators early on in Auschwitz, or any of — “ (5-1072)

Treblinka?, asked Christie.

“Well, there was no more Treblinka in 1945.”

Sobibor?

“That was no more.”

Majdanek?

“Majdanek is another matter.”

Was there anybody from the West that went to Majdanek?, asked Christie.

“Not to my knowledge.”

Belzec?

“Belzec was the first camp to have been obliterated.”

Chelmno or Stutthof?

“No, sir.”

Auschwitz or Birkenau?

“No.”

So isn’t it the case, asked Christie, that all the physical objects in those camps were in the control of the Soviet Union and nobody else for some time after the war?

“Poland, yes,” said Hilberg.

Would you agree that the Soviets have indicated in their publications that 60,000 people a day were exterminated in Birkenau?, asked Christie.

“Well, I don’t recall any publication with that particular number,” said Hilberg. “It is not impossible that they said that… I mean, since they came to the conclusion that there was something like 2.5 million dead in Auschwitz, that would easily lead them to the supposition that there were 60,000 a day; but there was no such capacity, and that could not have happened.” (5- 1073)

Would you agree with me, asked Christie, that all of the Allied observations of concentration camps in the west could not produce the evidence of a single gas chamber as such at all?

“Well, I do think I excepted Natzweiler and another camp, since they were both in Allied hands, and they used very small chambers with which to eliminate, kill small numbers of people — these are not part of the Holocaust complex — and they were, indeed, in the custody of the Allies, and I have already testified, so I would be repeating myself, about findings in them.”

It’s quite obvious, said Christie, that what you or I could see in any of those camps would not indicate the existence of any gassings such as you might consider existed in Auschwitz or Birkenau.

“I do not, myself, rely upon on-site visits to make determinations about what happened in particular localities,” said Hilberg. “… I don’t deny the possibility that somebody with a different kind of training might engage in such an endeavour, but I am not that person. I am, as I testified repeatedly, looking at documents. I am looking at testimony to the extent that the documents are not self-explanatory, and upon this ground primarily I have to make my conclusions of what transpired.” (5 1074, 1075)

How can you explain to me, asked Christie, that the Höss confession, which was tendered in evidence at Nuremberg, was written in the English language when there was no evidence Höss understood English?

“Well, you know, the man made quite a few statements,” said Hilberg, “and the one to which I believe you refer, which may be the very same one in which there was an allegation that he did not quite know what he was doing or signing because he may have been beaten… but that particular one I would put aside. I would not rely upon that for the information of numbers or things of that sort, because there are so very many statements by Höss. That is not to say that even this statement is false in its entirety.”

Could we identify that as the one made on 15 April 1945?, asked Christie.

“Well, I do not know from memory on what date it was made.”

Christie put to Hilberg that the statement which was introduced at Nuremberg was, in fact, the same wording as that document. (5-1075)

“Yes. I don’t dispute what you are saying. I am talking about my utilization of sources and my reliance on them,” said Hilberg.

How do you explain to me, asked Christie, that Höss repeatedly mentioned a camp Wolzek, which didn’t exist?

“Yes, I have seen that garbled reference,” said Hilberg. “It may have been Belzec. It’s very hard, if the man did not write anything, if he said things, if he was tired, if he was misunderstood, if he misspoke himself …”

Christie pointed out that Höss referred to Belzec as well as Wolzek.

I suggest to you, he said to Hilberg, that there is a reason to believe that this man was not only being obliged to sign a confession in a language he didn’t understand, but things were being put into a statement for him that were patently absurd, like Gerstein.

“There was obvious confusion in this one statement,” said Hilberg.

Christie produced Nuremberg document 3868-PS (/nca/nca-v06/3868-PS.php), the Höss affidavit. Hilberg agreed he had seen the document before and agreed he had seen the Wolzek reference. “Yes, I've seen that reference. It’s terrible.” (5-1076)

It's obvious that something wasn't quite right about that individual, would you agree?, asked Christie.

"No, I wouldn't say that something wasn't quite right about the individual," said Hilberg. "I would say that something wasn't quite right about the circumstances under which this was made as an affidavit. The individual, Höss, subsequently made any number of statements, some of them as a witness in open court at Nuremberg, some of them in the form of depositions, and last but not least the memoir. So we have a lot of verbiage from Mr. Höss."

Christie put to Hilberg that when Höss testified at Nuremberg it was obvious he had been burned on the face.

"No, I'm sorry," said Hilberg. "Where do you get this idea?… That is something that is new to me." (5-1077)

January 18, 1985

Christie commenced his cross-examination on this day by suggesting to Hilberg that he had quoted Rudolf Höss forty-two times in his book.

"Well, here we go with the numbers, which I have not counted, of course," said Hilberg, "since I do not carry in my head the numbers of citations of thousands of people mentioned by name in the book. So when I am disputing the precise number, I would say that he was mentioned repeatedly, and especially in one chapter; and the sources are repeatedly not only his statements, but also correspondence that involves him."

Hilberg agreed he was familiar with Höss's autobiography, Commandant of Auschwitz, which he had read in German. Christie asked if Hilberg thought there was anything inaccurate about the following statement from the Höss memoir (page 174):

> At my first interrogation, evidence was obtained by beating me. I do not know what is in the record, although I signed it. Alcohol and the whip were too much for me. The whip was my own, which by chance had got into my wife's luggage. It had hardly ever touched my horse, far less the prisoners. Nevertheless, one of my interrogators was convinced that I had perpetually used it for flogging the prisoners.

"Well, you are quoting it," said Hilberg, "and the translation, as far as I remember, is adequate enough. There is no clarity in my mind or, for that matter, in the context of the book, as to when or where this occurred. It was clearly not in the Nuremberg prison." (5-1078, 1079)

I suggest to you, said Christie, that Höss said he was maltreated by the Field Security Police upon his capture.

"Well, the United States does not have anything like 'Field Security Police'," said Hilberg.

No, he was captured by the British, sir; didn't you know that?, asked Christie.

"Yes, but I don't know what the British have by way of field security police. You are now asking me to comment about situations I am not familiar with," said Hilberg.

You are the expert. You have read this book and you are familiar with what he said, stated Christie.

"Yes."

Hilberg agreed that Höss was captured by the British, turned over to the Americans, testified at Nuremberg and was thereafter turned over to the Poles. He wrote his book when he was in Polish custody and was later hanged. (5-1080)

Christie read further from Commandant of Auschwitz:

> After some days I was taken to Minden-on-the-Weser, the main interrogation centre in the British Zone. There I received further rough treatment at the hands of the English public prosecutor, a major.
>
> The conditions in the prison accorded with this behaviour.
>
> After three weeks, to my surprise, I was shaved and had my hair cut and I was allowed to wash. My handcuffs had not previously been removed since my arrest.
>
> On the next day I was taken by lorry to Nuremberg, together with a prisoner of war who had been brought over from London as a witness in Fritsche's defence. My imprisonment by the International Military Tribunal was a rest-cure compared to what I had been through before… Although the conditions in prison were, in every respect, good — I read whenever I had the time, and there was a well stocked library available, the interrogations were extremely unpleasant, not so much physically, but far more because of their strong psychological effect. I cannot really blame the interrogators — they were all Jews.
>
> Psychologically I was almost cut in pieces. They wanted to know all about everything, and this was also done by Jews. They left me in no doubt whatever as to the fate that was in store for me.

Hilberg agreed that Höss had written this after testifying at Nuremberg.

In the forty-two times you mention Höss in your book, suggested Christie, not once do you raise the issue of torture. Do you agree?

"Of Höss?," asked Hilberg.

Of Höss, said Christie.

"No."

It is never mentioned, said Christie.

"Not at all."

So reading your book, said Christie, one would never get any indication that Höss was tortured, or suggestion that he was tortured.

"I did not consider relevant the question of torture in any matter, if it was torture. All we have is his statement, his allegation. That's all we have. Just as he says he was interrogated by Jews. He just assumed everybody was Jewish, as did that American judge," said Hilberg. (5-1080 to 1082)

Are you telling me what he assumed?, asked Christie.

"Obviously he assumed. Did he ask the interrogator, 'Are you a Jew?'," said Hilberg.

He might have, said Christie.

"Oh, please."

He was there, pointed out Christie, in the interrogation and you were not.

"No, but I have been an interrogator and I was never asked what I was," said Hilberg.

But you are Jewish, said Christie.

“Now you are asking.”

Yes.

“Do you want the answer?”

Yes, please, said Christie.

“Yes,” said Hilberg, “… The Germans did not ask me that question. You are asking me.”

But you think that Commandant Höss was ignorant, mistaken or lying when he said that?, asked Christie.

“He certainly made assumptions about interrogators, and anyone speaking the German language without an accent in German was presumed to have been a Jew who emigrated from Germany and thus, in the uniform of the American armed forces or some other armed force, was asking the questions. That was the basic presumption, notwithstanding the fact that there were non-Jewish immigrants as well, notwithstanding the fact that some Americans speak good German, notwithstanding the fact that there were professors and teachers of German who were also interrogators,” said Hilberg. (5-1083)

Hilberg agreed that in his initial statement taken at 2:30 a.m., Höss made statements about numbers which were totally false. “Yes. He signed — now, please, let me underscore that I did not use this number… I only used Höss information obtained under the nice conditions, relatively nice as he describes them, at Nuremberg. His testimony or the correspondence prior to the end of the war — in other words, if I were to have used information that was obtained under torture that he alleged to have been tortured, then I would be under some obligation to explain by way of qualification; but I didn’t use it,” said Hilberg. He reiterated that he only used the “Nuremberg testimony, statements made under conditions free of torture, and above all, correspondence by Höss.”

That is where he referred to the military imprisonment at the International Military Tribunal as a rest cure compared to what he had been through, suggested Christie.

“That’s correct. Yes. The rest cure statements I did use.” (5-1084)

You used the rest cure statements, said Christie, but you didn’t use the part about what had happened before in his interrogation.

“No, I didn’t use the number, did I?,” asked Hilberg.

No, because the number was ridiculous, wasn’t it?, asked Christie.

“Of course.”

So the part that is ridiculous you leave out of your book, right?, asked Christie.

“Wouldn’t you?,” asked Hilberg.

Christie replied that he would not if he was trying to present the whole picture and tell the world what actually happened. He suggested to Hilberg that was the right thing to do given the fact that Höss gave an absolutely ridiculous figure, the fact that his statement was taken at 2:30 in the morning, he invented a concentration camp called Wolzek that didn’t exist which couldn’t have been Belzec since he mentioned that camp in the same statement.

Judge Locke interjected to admonish Christie for giving a speech and to instruct Hilberg not to ask defence counsel questions. (5-1085)

I put it to you, continued Christie, that Höss invented the name Wolzek in a statement taken at 2:30 in the morning.

“No, I don’t really think that he invented it,” said Hilberg. “I can only state my general knowledge of that situation, which is that he was being interrogated; he may have been given a drink… It was late in the day… He was under psychological pressure; the whip may have been taken out, whether it touched his body or not I cannot say. He says it did. A statement based, presumably, on what he was saying, and he may not have articulated things very well. It was written down, presented to him for signature. He signed it. I never used any of that statement.”

Christie suggested that the statement was put to Höss at Nuremberg at which time portions were read to him by the prosecutor who would ask him, “Isn’t that right?” and Höss would answer, “Yes, sir.” More of the statement would be read by the prosecutor who would then ask, “Is that right?” and Höss would answer, “Yes, sir.” That’s the way it was, wasn’t it?, asked Christie.

“Yes,” said Hilberg. “… That’s the way it was.” (5-1086)

Hilberg agreed that Höss described a camp named Wolzek which never existed.

And it also appeared in the statement, suggested Christie, that was given in the circumstances he described where the whip and alcohol were used, right?

“Yes. That’s the one, yes.”

He also gave that information in a statement that you used part of, but you eliminated that information in your book, said Christie.

“No. I eliminated an obviously unverified, totally exaggerated number, one which may well have been known or circulated as a result of some faulty initial findings by a Soviet-Polish investigation commission in Auschwitz,” said Hilberg.

Thank you, said Christie. You have made an important admission that some of the statements of Höss may have come from the Soviet authorities and been incorporated into his statement, haven’t you?

“Please don’t characterize what I say as an admission,” said Hilberg. “… I am simply speculating that the number may have come from an initial faulty finding of a Soviet Polish investigation commission.” (5-1087)

May I suggest to you that there is no reason why a Soviet finding should end up in Höss’s statement unless there was some pressure on Höss to incorporate it, said Christie.

“I quite agree,” said Hilberg, “and I have not used that number.”

Is that your explanation for the incorporation of the mythical name Wolzek?, asked Christie.

“I have no idea how that particular word entered into the statement, and I have not made use of it.” (5-1088)

Hilberg testified that he did not believe Höss was captured before May of 1945 but believed the date to be immaterial. (5-1090)

Christie suggested to Hilberg that the statement signed by Höss and referred to by him in his book was in English.

“…That’s the first time I heard of that,” said Hilberg. “Maybe it is a misreading of what he said… he doesn’t say it was in English, does he?”

That’s true, said Christie, he doesn’t say it was in English. Do you know whether it was or not?

“No,” said Hilberg. “I can only make assumptions, and that is, that one would not present, even in a broken state, an affidavit to be signed by somebody in a language that one knows the signer is not familiar with.”

So you don’t know whether the statement was in English or German, but you assume it was in German?, asked Christie.

“I would assume so. He certainly doesn’t say it was in English,” said Hilberg. (5-1091)

Did you suggest in your book that some of what Höss said was obviously fabricated?, asked Christie.

“Well, let me simply say that if I state something that I doubt whether it’s fabricated, I would certainly indicate that my belief is that the particular statement herein recorded may be fabricated, or is fabricated, but I made no use of that statement. My book wasn’t about Höss; it was about the destruction of European Jews,” said Hilberg.

But, sir, said Christie, the belief that in Auschwitz, 2.5 million Jews were gassed comes from the Höss statement.

“That may have been the belief in Nuremberg, but it is not my belief, it is not my statement,” said Hilberg.

But you quoted extensively from Höss in your book, suggested Christie, about forty-two times.

“Well, you keep on saying forty-two times. I doubt I quoted from Höss at Nuremberg forty-two times.”

Would you like to go through your book?, asked Christie.

“Oh, in any case, the quotations are a compound of correspondence signed by Höss in 1942, in 1943, in 1944, of his testimony, of his various statements made at various times, and some in testimony,” said Hilberg. (5-1092)

Christie put to Hilberg that at no time did Höss make publicly the statements that Hilberg attributed to him in his book before Höss gave his testimony at Nuremberg.

“That’s probably correct, yes,” said Hilberg.

So when you refer to all sorts of wartime correspondence, you are not referring to 2.5 million Jews gassed at Auschwitz —

“No, I never referred to that,” agreed Hilberg. (5-1093)

Hilberg agreed that he attributed to Höss a confession at Nuremberg for the gassing of Jews at Auschwitz but left out the figure of 2.5 million. Hilberg believed the figure to be “roughly” one million: “A little bit over, perhaps, but that’s the range.” He agreed that other figures existed: “Lots of people have said different things, true.”

Christie pointed out that in his book, Hilberg had referred to the Polish judge Sehn, who had said 60,000 people a day were killed.

“No doubt,” said Hilberg, “… He was making his statements on the basis of the Polish- Soviet Investigation Commission which I've already described as faulty findings of numbers.” (5- 1094)

They were the occupation force at Auschwitz, Christie pointed out.

“They made their best efforts at estimating very early in the game, and they were not correct,” said Hilberg.

So in respect of Höss, asked Christie, you haven’t at any time in your book indicated any accusation of torture, is that correct?

“I can only repeat that I have not discussed the treatment of prisoners with regard to statements made that I did not use.”

I suggest, said Christie, that what happened at Nuremberg was clearly just the repetition of his earlier statement in testimony?

“I did not use the repetition.”

Hilberg agreed that he did not include Höss’s figure of 2.5 million victims because it was a ridiculous figure; and agreed that he left out parts of the Gerstein statement about Hitler being in the camps. (5-1095)

So, Christie suggested, you leave out parts of testimony that you consider ridiculous, and you keep what you consider credible, right?

“I plead guilty,” said Hilberg.

That process of selective perception, said Christie, was inclined to convince your readers that Höss was a credible witness, wasn’t it?

“He was credible in some respects,” said Hilberg. “In fact, in most respects, under most circumstances in which he made statements.” (5-1096)

Christie produced the cross-examination of Höss on April 15, 1946, at which time Höss was called as a defence witness. To Christie’s suggestion that world headlines were made on that day because Höss was the most important witness to testify at Nuremberg, Hilberg replied: “Well, when the world headlines were made, I was still in uniform, so I cannot confirm that.” (5- 1097)

Do you agree, asked Christie, that he was considered, and do you consider him the most important witness at Nuremberg?

“No,” said Hilberg, “I would not consider him the most important witness at Nuremberg, but I would say that he was the most important witness at Nuremberg with respect to happenings in Auschwitz.”

Hilberg agreed that during his cross-examination by one Colonel Amen, the affidavit which Höss had made in the circumstances described in his autobiography was put to him.

Christie referred to portions of the Nuremberg trial transcript [Monday, 15 April 1946] where Höss was cross-examined by the prosecution:

COL. AMEN: This, if the Tribunal please, we have in four languages.

[Turning to the witness.] Some of the matters covered in this affidavit you have already told us about in part, so I will omit some parts of the affidavit. If you will follow along with me as I read, please. Do you have a copy of the affidavit before you?

Höss: Yes.

COL. AMEN: I will omit the first paragraph and start with Paragraph 2:

“I have been constantly associated with the administration of concentration camps since 1934, serving at Dachau until 1938…”

That is all true, Witness?

Höss: Yes, it is.

COL. AMEN: Now I omit the first few lines of Paragraph 3 and start in the middle of Paragraph 3:

“…prior to establishment of the RSHA, the Secret State Police Office (Gestapo)…”

THE PRESIDENT: Just for the sake of accuracy, the last date in Paragraph 2, is that 1943 or 1944?

COL. AMEN: 1944, I believe. Is that date correct, Witness, at the close of Paragraph 2, namely, that the 400,000 Hungarian Jews alone at Auschwitz in the summer of 1944 were executed? Is that 1944 or 1943?

Höss: 1944. Part of that figure also goes back to 1943; only a part. I cannot give the exact figure; the end was 1944, autumn of 1944.

COL. AMEN: Right.

“4. Mass executions by gassing commenced…”

Are those statements true and correct, Witness?

Höss: Yes, they are.

COL. AMEN: “5. On 1 December 1943 I became…”

Is that all true and correct, Witness?

Höss: Yes.

COL. AMEN: Incidentally, what was done with the gold which was taken from the teeth of the corpses, do you know?

Höss: Yes.

COL. AMEN: Will you tell the Tribunal?

> Höss: This gold was melted down and brought to the Chief Medical Office of the SS at Berlin.
>
> COL. AMEN:
>
> “7. Another improvement…”
>
> Is that all true and correct, Witness?
>
> Höss: Yes.
>
> COL. AMEN: Now, I will omit Paragraphs 8 and 9, which have to do with the medical experiments as to which you have already testified.
>
> “10. Rudolf Mildner was…”

Now I ask you, Witness, is everything which I have read to you true to your own knowledge?

Höss: Yes.

COL. AMEN: That concludes my cross-examination, except for one exhibit that our British allies would like to have in, which is a summary sheet of the exhibits which I introduced at the commencement of the cross-examination…

Christie summarized the end of Höss’s cross-examination. Hilberg agreed that it was a fair summary of what happened “especially the last comment where he couldn’t give exact figures.” (5-1097 to 1101)

Was it not the case, asked Christie, that there was a psychiatric examination of the Nuremberg accused by a psychiatrist whose name was Gilbert?

“I think that Gilbert was not a psychiatrist, that he was a psychologist and, well, there is some distinction in the mind of some people, and that he was not making, as I understand it, a psychiatric examination for the purpose of determining whether these people were able to stand trial, but that he was allowed to talk to them at length for other purposes,” said Hilberg. “… That is what I gathered from his book."4

Christie asked if Hilberg was familiar with Gilbert’s opinion of the mental condition of Höss.

“I don’t offhand recall it,” said Hilberg.

May I suggest, said Christie, that Gilbert said Höss was suffering from what is known as schizoid apathy, insensitivity and lack of empathy that could hardly be more extreme. Would you agree with that?

“That he said that?… Yes.”

Have you referred to that in your book anywhere?, asked Christie.

“No, because number one, as I pointed out, Mr. Gilbert is a psychologist not a medical doctor; number two, if he says a man lacks empathy, which has been said about him not only by Gilbert but by Eichmann and other people, then what is there to refer to? It merely means that he cannot feel for other people. He cannot put himself into the place of the victim.” (5-1102)

Did you consider the meaning of the word schizoid apathy?, asked Christie.

“As far as apathy is concerned, it is a rather general word. As far as schizophrenia or schizoid is concerned, I asked my psychiatric friends, and they sort of look at me and say, 'You don’t understand. You are not a doctor.' Now, here is a word used as an adjective by someone who is not a medical doctor, and you are asking me about it.”

Hilberg agreed he was aware of what Gilbert said about Höss but did not include it in his book. “No. I don’t consider that what a particular psychologist may say in adjective form, next to some noun, is necessarily a matter for inclusion in an account of what happened to the Jews. Höss was my source with certain facts. Insofar as these facts were confirmed, insofar as they came from contemporaneous correspondence, insofar as they were totally credible, I used them.”

Insofar as they confirmed what you believed, said Christie.

“No. Insofar as they confirmed other information or were confirmed by other information,” said Hilberg. (5-1103) “Obviously” he did not “think it was necessary “ to include Gilbert’s assessment of Höss in his own book. He agreed that Gilbert might well have been the only person with psychological qualifications allowed to speak to the accused at Nuremberg.

So he becomes more than just some other person, suggested Christie, he is an eyewitness to their mental state, isn’t he?

“Well, he talked to them, and he could certainly ascertain their 'mental state' in the same way, I suppose, as other people could who were observant and knowledgeable,” said Hilberg. (5- 1104)

So with Höss, suggested Christie, torture is not mentioned in your book or any evidence to indicate that there was doubt about his mental state?

“No, I do not indicate some doubt. Pressed by someone in regard to a matter which does not seem to me sufficiently material and necessary, I used Höss’s statement for his upbringing, for his career, and for other factors and, you know, persons who are, if they really are, mentally afflicted, may give statements as far as some matters, as far as I am concerned.”

Did you, asked Christie, in reading Commandant of Auschwitz and other material from Höss, ever consider that some of the things he said about the operation of the supposed gas chambers were nonsense?

“I'm sorry, I do not have the vaguest idea what you may be referring to,” said Hilberg.

Höss does say that very shortly after these alleged gassings occurred people went in to haul out the bodies, eating and smoking, doesn’t he?, asked Christie.

“Well, obviously they were not eating and smoking inside the gas chamber, while they had their gas masks on,” said Hilberg. “… I don’t recall him saying that they were in there eating food and smoking.” (5-1105)

Christie produced the book Commandant of Auschwitz and read from page 198, where Höss described the gas chambers:

The door was opened half an hour after the induction of the gas, and the ventilation switched on. Work was immediately begun on removing the corpses.

Are you familiar with that?, asked Christie.

“Absolutely,” said Hilberg.

You maintain that is possible?, asked Christie.

“Well, of course.”

You are saying they were wearing gas masks?, asked Christie.

“Yes, of course.”

Christie continued reading from page 152:

Then the bodies had to be taken from the gas-chambers, and after the gold teeth had been extracted, and the hair cut off, they had to be dragged to the pits or to the crematoria. Then the fires in the pits had to be stoked, the surplus fat drained off, and the mountain of burning corpses constantly turned over so that the draught might fan the flames.

Did you consider that?, asked Christie.

“Yes.”

Christie continued reading:

They carried out all these tasks with a callous indifference as though it were all part of an ordinary day’s work. While they dragged the corpses about, they ate or they smoked.

“While they were dragging the corpses to the pits,” said Hilberg.

He doesn’t say that, said Christie.

“It is rather obvious, isn’t it?,” asked Hilberg.

You are adding words, said Christie.

“No, no. Look at the sequence, please,” said Hilberg.

It doesn’t say anything about dragging corpses to the pits, does it?, asked Christie.

“Well, look,” said Hilberg. “In the preceding paragraph there is mention of the corpses being taken from the gas chambers. Then the gold teeth had to be extracted, the hair had to be cut off, and then they had to be dragged to the pits. Your statement as to what people did while they were dragging refers to dragging to the pits. It’s in proper sequence.” (5-1107)

Judge Locke interjected and asked Hilberg if the words “pits” and “dragging” appeared anywhere on the page.

“No, they don’t, not together. They appear on the page, but not together,” said Hilberg.

Locke instructed Christie to read the whole page to the jury. Christie complied:

They carried out all these tasks with a callous indifference as though it were all part of an ordinary day’s work. While they dragged the corpses about, they ate or they smoked. They did not stop eating even when engaged on the grisly job of burning corpses which had been lying for some time in mass graves.

Now, sir, are you familiar with the gas Zyklon B?, asked Christie.

“I have handled it myself,” said Hilberg. “… I read all the correspondence about it, and there was quite a bit of it.”

Do you agree, asked Christie, that the gas Zyklon B clings to bodies and wet surfaces?

“Well, the gas, as I understand it, is produced when a canister of pellets in the solid state are introduced into a chamber, and when, at high temperature inside that chamber, the gas pellets are released, they turn by a process that the chemist refers to as sublimation into a gas, without passing through the liquid stage. However, if there is much humidity, then gas pellets may remain on the floor. There may be some liquid there and things of this sort. Now, what I am testifying to is not the testimony of a chemist. It is simply the description supplied by chemists and by witnesses who have handled these things,” said Hilberg. (5-1108, 1109)

That’s in the same category as a lot of your evidence, said Christie, it comes from other sources.

“I do not say it is in the same category,” said Hilberg. “I qualify my statements here as secondhand. If you were to ask the question of a chemist, he might most certainly, I am sure he would be able to give a more precise and satisfactory answer.”

Hilberg confirmed that in a footnote in his book on page 571 he had referred to Exhibit NI-036, which he “of course” had read.

Christie produced NI-036 from the office of the U.S. Chief Counsel for War Crimes [Interrogation of Rudolf Höss, 14 May 1946] which Hilberg testified he recognized. In answer to question 25, Höss had answered:

At the time when the gassing began, it was on supply in large quantities, and namely it was on supply for gassing of vermin, protection against vermin etc., in buildings and barracks which formerly were Polish artillery barracks. There were two employees of the firm TESCH and STABENOW, Hamburg, who operated the gassing in the premises. Important security measures which were taken there every time, everything was secluded, and nobody was allowed to approach and during two days nobody was allowed to enter the buildings. In the same way, everything was ventilated to prevent casualties.

Hilberg agreed he was familiar with the document and that it was referring to Zyklon B. (5-1110 to 1112)

Christie suggested that the document clearly indicated the important security measures necessary for Zyklon B when it was used for exterminating vermin — the building had to be ventilated for two days to prevent casualties.

“Yes,” said Hilberg, “it may well have been that, because, again, if clothing were being disinfected, this being the clothing of inmates that was distributed to others, it had to be disinfected, and if there were no people with gas masks to take out the clothing, one would have to ventilate for two days… Especially if — you must remember that there is nothing here about special powerful ventilators being installed. You know, it’s just technical.” (5-1112)

Do you have some knowledge of special, powerful ventilators being installed in the crematoria of Birkenau?, asked Christie.

“Yeah. For the four installations very powerful ventilators were installed… They are not in this work. I did not then have that information,” said Hilberg.

I suggest to you, said Christie, that the only information that you could have then or now would come from the plans that are in Auschwitz.

“No, no,” said Hilberg. “There is correspondence. There is correspondence about that.”

You mean there is correspondence which contradicts the plans that are displayed in Birkenau?, asked Christie.

“No, there is no contradiction.”

Will you then say, asked Christie, that the plans in Birkenau are the plans for what you call the gas chambers?

“Yes, but the plans don’t show ventilators.”

I know, said Christie. But did you say that the correspondence contradicted the plans?

“Not at all,” said Hilberg. “Not at all… Any more than, you know, the plans don’t show hooks for hanging up clothing. Plans don’t show everything. It is not a contradiction to say that there was a hook.”

No, I'm sure, said Christie. But you say there were some four full ventilators not shown on the plan.

“That’s right. That is the motor, and I am not competent to discuss — motors would not, of course, be on a building plan.” (5-1113)

Now, said Christie, you were saying earlier that these people who were dragging the bodies out of the gas chambers were wearing gas masks, is that right?

“As they entered the gas chambers to drag out the bodies, yes.”

And then, did they take the gas masks off to drag the bodies while they were eating and smoking?, asked Christie.

“Now, now,” said Hilberg. “You just read the passage. So let me repeat, because I need not go any further than the passage you, yourself, brought up. People wearing gas masks went into the gas chamber to drag out the bodies. The teeth were extracted. The gold teeth were extracted for the purpose of melting them down so that it could be budgeted to the Reich, to the German government. Hair, insofar as necessary, may have also been shorn at this point, although there were different procedures at different times with regard to that… Different

people were cutting the hair, and different people were taking the teeth. Thereafter, when people were being burned in pits, they were being dragged out. They were not being dragged out from the gas chambers, but an area near the gas chambers where the teeth were being extracted. They were dragged to the pits and the pits were obviously in the open. So there were no gas masks in the open." (5-1114)

What I am asking you, repeated Christie, were they dragging the bodies out of the gas chambers with gas masks on?

"Surely," said Hilberg.

Then they take the gas masks off and they drag them to the pits, is that it?, asked Christie.

"Yes. On the outside they don't wear the gas masks."

So when they take them to the crematorium they wear the gas masks?, asked Christie.

"No. There were two methods of body disposal. One was by burning in crematoria; since the capacity of the crematoria was limited on days and at times when transports were coming in with numbers to be gassed in excess of the capacity of the crematoria, at that point pits were dug. In fact, pits were dug at the arrival of the Hungarian Jewish transports, and then people were simply burned in pits, outside, not inside the building."

How do you explain, asked Christie, that from the time they leave the gas chamber to the time they get to the pits, or to the crematoria, Höss is saying they are cutting off hair, taking gold teeth, and then they are also eating and smoking?

"He is referring," said Hilberg, "to one element of disposal. I just said to you that there were two kinds of body disposal. One was in the crematoria, the other in the pits. He is obviously talking about the pits. He has two very short paragraphs. In the first paragraph he talks about dragging into the pits. In the second paragraph he describes people who were doing this nonchalantly or whatever phraseology he used in the original German, while even smoking and eating." (5-1115)

Do you know that Zyklon B is explosive and burns?, asked Christie.

"Under what conditions?," asked Hilberg.

When it comes in contact with an open flame, said Christie.

"Well, are we talking about open flames in gas chambers? Are we talking about people smoking in gas chambers?," asked Hilberg.

We are talking, said Christie, about smoking when people are brought out of the gas chamber.

"These people were hosed down," said Hilberg.

Hosed down?, asked Christie.

"Yes, obviously."

Who hosed them down?, asked Christie.

"The same kommando who dragged out the bodies was required to hose down the entire gas chamber," said Hilberg.

And the bodies?, asked Christie.

"Yes."

Is hydrocyanic acid known as HCN?, asked Christie.

"I believe so from my very limited knowledge of chemistry, yes," said Hilberg.

Christie produced and showed to Hilberg a document that referred to HCN made by DEGESCH. Hilberg agreed that DEGESCH was involved in the “making and distribution of the gas.” (5-1116) Christie suggested that DEGESCH was still in business, making HCN products, which they sold as an insecticide.

“Why not if they make money,” said Hilberg.

Do you disagree, asked Christie, that even today, with the sale of hydrocyanic acid products, that they are indicated to be extremely flammable?

“I have no doubt that they may so be indicated by any company making them for any purpose whatsoever.” (5-1117)

Can you explain to me, asked Christie, why in the very document you quoted, NI 036, it says that it takes two days to ventilate a building before you can enter without casualties, and you are telling me that people can haul bodies — — let me put it this way. Höss, in the part I've quoted, said they hauled the bodies out in half an hour, and then they are pulling teeth out of these bodies that have been in close contact in lethal amounts with the same hydrocyanic acid.

“But he is saying nothing about gas masks,” said Hilberg. “He is saying nothing about ventilators.”

No, he doesn’t say anything about gas masks or ventilators, Christie agreed.

“He is talking about the same buildings.”

But he would have to be talking about the same substance, Zyklon B?, asked Christie.

“Yes.”

And about the kind of bodies we all have, said Christie.

“Yes, but there is a reference to clothing and bodies.”

So there is a difference whether hydrocyanic acid may cling to bodies or clothing, in your opinion?, asked Christie.

“I am not saying what hydrocyanic acid may cling to,” said Hilberg. “I am saying that from the passage you showed me, which obviously deals with clothing, lots and lots of clothing which was being collected from the victims and which was subject to disinfection — … In the document NI-036. This is the passage that I make mention. Now, in here, in this one passage he speaks of two days. He does not say who entered the gas chamber, whether they were wearing gas masks or there was obviously no hurry in removing the clothing from the building. It was not the same building in which the human bodies were gassed. It was a different structure. And so all he is saying is, it took two days, and they had to be very careful. He is not referring to when this process was taking place.” (5-1118)

Now, how do you explain the stories that say these gas chambers held how many people — how many people?, asked Christie.

“I must really say they are not simply stories,” said Hilberg.

All right, said Christie. Tell me how many people they held.

“Well, there were different gas chambers, as I testified before, with different capacities.”

Let’s deal with one, said Christie. We will call it Krema II, which you understand, you know what I mean.

“Well, unfortunately, because these numbers changed,” said Hilberg, “I can’t be certain, but I could simply say that there were two large ones, two not so large, two small ones, in addition to the one in Auschwitz I which was a smaller one.” (5-1119)

We will go through that again then, said Christie. There is Auschwitz I, which is a small one.

“Yes.”

Then we go to Birkenau, which is a different camp than Auschwitz. There's four there, said Christie.

"First we have two huts. Then they are being discontinued. Then, by 1943, four large, massive structures are erected. Two of them were larger gas chambers, two others were what might be called medium gas chambers," said Hilberg.

Tell me how many, then, would you say would be gassed at a time in Krema II?, asked Christie.

"Are you referring to the larger one there? Because you see, the numbers changed."

Christie referred to a map of Birkenau already filed as an exhibit so there would be no confusion.

"Yes. Okay," said Hilberg. "So that is one of the larger ones. Okay." (5-1120)

Krema II and Krema III are identical, aren't they, sir?, asked Christie.

"That's correct."

All right. So that's the one we are talking about, said Christie.

"Okay."

How many do you say were gassed in that at a time?, asked Christie.

"You are referring to theoretical capacity, or actual gassings, or —," asked Hilberg.

Whichever you prefer. At one time, actually. What do you say?, asked Christie.

"I have to think," said Hilberg. "because that is — there is a number of theoretical capacity that is mentioned in Höss's book, and I am trying to remember what he said… Maybe around 1,400. It may be, but I don't want to be pinned down to that precise number, because it is — "

You are saying that 1,400 people were gassed in there at one time?, asked Christie.

"If I remember correctly, he made mention of some theoretical capacity to that extent," said Hilberg.

And this is all part of the 60,000 a day that Sehn refers to, and your figure is what, sir?, asked Christie.

"Now, wait a minute — "

For the daily capacity of the whole camp of Birkenau?, asked Christie. (5-1121)

"The daily capacity is not 60,000, that is obvious," said Hilberg. "The daily maximum capacity was probably under 20,000, but even that is an arguable figure, because one could not run these gas chambers 24-hours a day."

Could I refresh your memory from your book, said Christie, at page 629 where you said 12,000 bodies a day? Would that be more accurate?

"Well, that is a high figure," said Hilberg.

Christie referred to a passage on the page which read as follows:

By 1942-43, the liquidation of graves in all killing centers was in progress. Auschwitz transferred the corpses to the five new crematoriums, which could burn about 12,000 bodies a day.

Were you referring to Auschwitz II, Birkenau?, asked Christie.

"Yes… Of course, August 1944 was a time when more than these four gas chambers were used," said Hilberg.

Well, you refer to five gas chambers in Birkenau, said Christie.

"Yes, but they opened yet another emergency gas chamber. We were talking about August 1944, and this is a peak period. And you are referring to a peak period, but 20,000 is obviously a rounded figure, which is a maximum for one time-frame, namely, August 1944, which was the peak," said Hilberg. (5-1122)

Now, can you explain to me how, asked Christie, with Zyklon B, defined in NI-036, it required two days of ventilation in an ordinary building, which was referred to there as a barracks — right? That's what that was about, wasn't it?

"Yes."

And you can tell me that you could, in an installation like you described, deal with 12,000 bodies which are imbued with lethal quantities of Zyklon B, they can be handled so rapidly by those who at one point take off gas masks and smoke and eat? Can you explain all that to me?, asked Christie.

"No. You are referring to what was called in the vernacular of the camp, in the ordinary language, a Sonderkommando. This was mostly Jewish. These people worked in shifts. The maximum number in the middle of 1944, in this Sonderkommando, was around six hundred. So they were not all working all of the time. There were those that dragged the bodies out. There were those that dragged the bodies to the pits. There were those — "

You misunderstand me, sir, said Christie. I am not concerned with whether six hundred people were Jewish or whether they weren't, whether they could handle the corpses. I am interested in whether you can explain to me — unless Jewish people have an immunity to Zyklon B — how they could handle those corpses that so soon came into contact with Zyklon B, put them into pits, smoking and eating, without having gas masks on.

"No," said Hilberg. "They had gas masks on as they took the corpses to the gas chamber. As to smoking and eating, which is Höss's characterization, I have not found that statement confirmed by anyone whatsoever." (5-1123)

So it is incredible?, asked Christie.

"It is one of Höss's contentions of the type of people that did this kind of work. Now, he may have seen somebody smoking at one time; he may have seen somebody eating at one time while carrying corpses; that is possible, and his observation may have been accurate; but I have not seen it repeated anywhere."

It creates a somewhat unusual situation, doesn't it?, asked Christie.

"No, it does not. People live amongst corpses and eat," said Hilberg.

I am sure what people do within the physical realm is something else, but I suggest to you, said Christie, that it is not physically possible for an ordinary person to handle any corpse that's coming up with that close a contact with Zyklon B within half an hour and eat and drink or smoke; would you agree?

"In the same half hour, certainly not," said Hilberg. "I am not even saying that these were the same people. I just said that there were several shifts. These were working parties. There were people that dragged people out of the gas chambers, and there were people that dragged those bodies, after processing for gold and what not, into the pits."

Now, you seem to have indicated earlier that there was a distinction between Zyklon and Zyklon B, said Christie.

"Zyklon is the generic trade name," said Hilberg. (5-1124)

Zyklon B was used for disinfection, said Christie.

"No. There may be a misunderstanding. Höss states that they had quantities of Zyklon on hand for disinfection purposes, and it is these quantities that were tapped when the first experiment was made, he said. As it happened, people who wanted to find out what would happen, how long they would take to die and the like — obviously, these quantities were not used for mass gassings of Jews; they were deliveries for a special purpose."

Let me understand you, said Christie. So the Zyklon is not used for — Zyklon is used for insects, and the Zyklon B is used for humans; is that right?

“No,” said Hilberg. “He said he had Zyklon on hand. Now, it may be that what he had on hand was Zyklon B. It is generally assumed that it was Zyklon B. When you look at photographs of these cans they do not, in actual fact, have 'B' on them. It just says, 'Zyklon'. Now, that’s just a trade name. As it happened, there were various strengths. 'B' was a low strength.”

And was it for killing people?, asked Christie.

“Yes.”

We now have it from you that Zyklon B is for killing people, said Christie.

“Yes. Zyklon B was the agent used in Auschwitz to kill people,” said Hilberg. “…No doubt about it.” (5-1125)

And it was not used for other purposes?, asked Christie.

“I am not saying it was not used for other purposes,” said Hilberg, “because Höss states that he had some quantities on hand, obviously for disinfection. That’s back in 1941. But there was such a thing as Zyklon C and Zyklon D and even Zyklon E.”

Were they for killing people?, asked Christie.

“No.”

So Zyklon B is only for killing people?, asked Christie.

“Well, they certainly would not use Zyklon D or E, which was much more expensive,” said Hilberg.

But Zyklon B, you say, was used not only for killing people but also for insects?, asked Christie.

“It may very well have been used for insects, although it was not recommended. I have seen a letter from Dr. Tesch of the firm Tesch and Stabenow, which you have mentioned, indicating the strengths and the purposes for which these various strengths were intended.”

Christie produced and showed to Hilberg a copy of Nuremberg document NI-9098 [A 1942 pamphlet comprising eight lectures on aspects of DEGESCH’s field of operation] which Hilberg admitted he had referred to in his book on page 567. (5 1126)

Christie put to Hilberg that under the word “Properties,” the document said:

Ventilation difficult, and long to ventilate since it adheres strongly to surfaces.

Would you agree?, asked Christie.

“You say that the gas — yes, the description of the quality of this particular gas is that. As for other properties listed here, one is that there are certain adhesive qualities to it,” said Hilberg.

Am I right, asked Christie, in understanding that it says, ventilation is difficult and it adheres strongly to surfaces?

“That’s correct,” said Hilberg.

So that’s the property of Zyklon?, asked Christie.

“Yes.”

And you are aware of that because you referred to that document, said Christie.

“Yes. It even recommends five hours… Under normal circumstances,” said Hilberg. (5- 1127)

Five hours of ventilation?, asked Christie.

“Under normal circumstances.”

The other document referred to 24-hours of ventilation, didn’t it?, asked Christie.

“Or even two days. You see, everything depends on a variety of factors — humidity, how well sealed the building was, how much gas was used. All of these factors matter. Now, of course, if one has strong ventilating systems and the like, the process takes less time.”

But we have agreed, said Christie, that on the plans of the crematorium at Auschwitz- Birkenau, there is no indication of any high-powered ventilation fans.

“Well, it’s your plan, and there is no indication on it,” said Hilberg.

Well, you've seen the plan, haven’t you, sir?, asked Christie.

“Yes.”

Have you ever seen any indication of high-powered ventilation on it?, asked Christie.

“Not on it.”

So would you agree, asked Christie, that Oranienburg was not a concentration camp where people were executed?

“I said Oranienburg was a concentration camp,” said Hilberg. “It was also the headquarters of the Economic Administrative Main Office of the SS, which administered twenty camps, including Auschwitz.” (5-1128)

You have told us, said Christie, that in order to explain the ability to deal with the bodies in question within some half-hour or so after gassing, they were hosed down. Is that your evidence?

“Yes,” said Hilberg, “that is the evidence, yes.”

I suggest to you in your book you don’t refer to any such statement, said Christie.

“No. No, I do not; but as I indicated, I do credit Mr. Faurisson and other critics with making me include evidence that, at first, I considered so self-evident as not to require notation in my second edition, and it will be in my second edition. Indeed, you may look forward to it there.”

So from your first to your second edition, Dr. Faurisson has pointed out that you cannot touch a human body until several hours later without hosing it down, because even touching a body is poisonous; is that correct?, asked Christie.

“I can’t tell you how much a person would be poisoned if he touched the bodies,” said Hilberg, “but to my knowledge, these bodies were hosed down and dragged with hooks. I am not sure how much touching was necessary or took place. I would, however, point out that the handlers of these corpses were Jews, and one or the other of them became ill and died. That did not matter to the German camp administration.” (5-1129)

I suggest to you, said Christie, if each or any of them was handling ten bodies a day that would have come in close contact with hydrocyanic acid, they would die unless they handled them with rubber masks — wore rubber masks, and covered the moist parts of their body; would you agree?

“Well, I am not a chemist, but all I could tell you is, to the best of my knowledge, they were always wearing gas masks, and they dragged out bodies with hooks, at least until they were out in the open.”

And I think you will acknowledge, said Christie, that Dr. Faurisson raised this question and made it known to you in some way.

“Oh, other people have,” said Hilberg, “and it was just a matter of whether certain details should or should not be included; and you know, one deals with publishing 800 pages, and I said, 'Well, all right. We must stop sometime. We must cut it off here. We must cut it off there.'”

Christie referred Hilberg to page 570 of his book, The Destruction of the European Jews, where it read as follows:

From the Dessau Works, which produced the gas, shipments were sent directly to Auschwitz Extermination and Fumigation Division (Abteilung Entwesung und Entseuchung).

What is the translation for entwesung?, asked Christie.

“To deprive something of life,” said Hilberg, “that is, extermination. There is no very accurate translation which doesn’t carry connotations, but I think you will find that that’s an acceptable translation of the German term.”

I put it to you, said Christie, that it means 'delousing' and it refers specifically to vermin.

“No… No. The term wesen is a live thing, anything alive. The prefix ent is to negate life, to deprive it of life. The suffix ung in entwesung, and having been deprived of life, or depriving something of life.”

Christie produced and showed to Hilberg an English-German dictionary (with which Hilberg said he was not familiar). Christie put to Hilberg that the dictionary referred to wesen to mean disinfect, to sterilize, to exterminate vermin, to delouse, extermination of vermin, delousing, disinfection. Right?, asked Christie.

“Yes,” said Hilberg. “… What is the date of this dictionary, sir?”

I don’t know, said Christie. Do the meaning of the words change that much?

“Well, actually, they do, but without going into that, I would simply say that in ordinary circumstances, including Germany today, extermination is confined to vermin. When we say 'extermination' in Canada or in the United States, we generally mean that it is not human beings who are exterminated by commonly styled extermination terms,” said Hilberg. (5-1132)

So you agree that entwesung is a term meaning to use just disinsecticidization?, asked Christie.

“It refers to any killing,” said Hilberg, “any deprivation of the quality of life of something that is alive… [And wesen] is anything that walks, anything that has life.”

Christie produced the photocopy of the front page of a scientific journal printed in Berlin in 1943. Hilberg agreed that the translation of the title was “Sterilization” (Entkeimen), “Disinfection” (Entwesung) and “Delousing.” Hilberg agreed that the journal indicated that Kurt Gerstein, who was a disinfection officer, was given credit in the book for his input.

What I am suggesting, said Christie, is that the subject of sterilization and disinfection is what Gerstein was responsible for in his job.

“Obviously, yes, that was his job,” said Hilberg. (5-1133)

Christie produced Nuremberg document 1553-PS, which Hilberg agreed was an invoice indicating that the same amount of Zyklon B was shipped to Oranienburg as to Auschwitz on the same day. Hilberg indicated that Oranienburg was “a concentration camp and an administrative centre” and that no one was gassed there to his knowledge.

Hilberg testified that he was familiar with the War Refugee Board Report which was tendered into evidence at Nuremberg.

I'd like to ask you, said Christie, whether you are familiar with the fact that that document alleged that there was over one million people killed at Auschwitz. In fact, I think, 1.7 million.

“There is some such figure there, yes,” said Hilberg.

It was obviously, according to you, it was a false figure, suggested Christie.

“Well, not quite as false or inaccurate as the one that the Polish-Soviet investigation commission produced, but it’s still a little high, yeah,” said Hilberg.

They produced the 4 million figure, said Christie.

“Yeah. This one is within reason.”

Höss produced the 2.5 million figure, said Christie.

“Yes.”

The War Refugee Board produced the 1.7 million figure, said Christie.

“Yeah. I think that was written while the camp was still in existence. I am not sure whether — “

It was towards the end of the war, said Christie, but that figure is correct?

“No,” said Hilberg. “The figure is a little high, I said. One million seven is too high.”

That’s the figure they produced?, asked Christie.

“I'm sorry, yes,” said Hilberg. (5-1135)

They said this is a careful account, said Christie.

“Careful, surely,” said Hilberg, “in terms of the best they could do.”

And you produced a million, said Christie.

“Oh, yes, but with much more information than was at their disposal.”

These reports, pointed out Christie, were produced by people who claimed to have been there. The War Refugee Board Report, which gave the 1.7 million figure, was prepared in conjunction with Mr. Vrba? Correct?

“No, no. I asked you for the precise date of it because it is important. But you see, this report, which was in the nature of a preliminary description — … I am saying that it is based upon information obtained in part based upon information, but in large and important part obtained on the basis of information which was brought by two escapees from Auschwitz to Slovakia, which was then under German control, and which was relayed by those escapees to the remnant Jewish community. There was still a remnant Jewish community… you said in conjunction, and I could not agree there.”

I'm sorry, said Christie, it was prepared by two escapees, Wetzler and Vrba.

“Right.” (5-1136)

They went to Slovakia, suggested Christie, and ended up giving their information in New York.

“No,” said Hilberg, “They gave their information in Slovakia, who then related it to a variety of channels until it reached the United States, until it reached Washington.”

So that report, said Christie, gave what you now know to be a figure out by 700,000.

“Oh, at least, yes, because that report was made at a time before the gassings were completed.”

The War Refugee Board Report referred to 1.7 million and some people, not just Jews?, asked Christie.

“Even if it said people, the figure would be a bit high.” (5-1137)

And if it said Jews, it is obviously that much more high and erroneous, said Christie.

“Yes, it certainly is,” agreed Hilberg.

Christie turned next to the eyewitness account of Filip Müller given in his book Eyewitness Auschwitz: Three Years in the Gas Chambers. Hilberg testified he was familiar with the book.

Do you regard this as a serious historical work?, asked Christie.

“No, it is not a historical work,” said Hilberg. “It is a recollection of a person, his own recollection and his own experiences.”

Do you regard it as accurate?, asked Christie.

“I regard it as rather accurate, yes. I have been through this book page by page, and I am hard-put to find any error, any material significant error in this book. It is remarkable,” said Hilberg.

I put it to you, said Christie, that it is more of a novel than a book; would you agree?

“No, I do not agree at all.”

You consider this an accurate historical account of an eyewitness?, asked Christie.

“Yes.”

Christie referred to page 87 of the book, and the following passage:

> It was obvious that the SS felt themselves once more to be masters of the situation. Quackernack and Schillinger were strutting back and forth in front of the humiliated crowd with a self-important swagger. Suddenly they stopped in their tracks, attracted by a strikingly handsome woman with blue-black hair who was taking off her right shoe. The woman, as soon as she noticed that the two men were ogling her, launched into what appeared to be a titillating and seductive strip-tease act. She lifted her skirt to allow a glimpse of thigh and suspender. Slowly she undid her stocking and peeled it off her foot. From out of the corner of her eye she carefully observed what was going on round her. The two SS men were fascinated by her performance and paid no attention to anything else. They were standing there with arms akimbo, their whips dangling from their wrists, and their eyes firmly glued on the woman.

Do you consider this an accurate historical account?, asked Christie. (5-1139)

“I consider this more seriously than other accounts about the same incident. There are several accounts of the manner in which, at the time when the victims were being prepared for gassing, a woman seized a weapon and was able to mortally would an SS man who was stabbed, and whose name was Schillinger. The Schillinger episode is recorded in a number of accounts. The only — and I said this is a very accurate description of what transpired — the only question one might have is whether the detail as described here is exactly the same as might have occurred; but I would say that there are other accounts that are substantially in accord with what this account has to state,” said Hilberg.

The short answer, said Christie, is that you regard this as a serious historical account.

“Moreover, this passage is substantially correct,” said Hilberg.

Christie turned to page 110 of the book where Müller described a scene in the gas chamber :

> Suddenly a voice began to sing. Others joined in, and the sound swelled into a mighty choir. They sang first the Czechoslovak national anthem and then the Hebrew song 'Hatikvah'. And all this time the SS men never stopped their brutal beatings. It was as if they regarded the singing as a last kind of protest which they were determined to stifle if they could. To be allowed to die together was the only comfort left to these people. Singing their national anthem they were saying a last farewell to their brief but flourishing past, a past which had enabled them to live for twenty years in a democratic state, a respected minority enjoying equal rights. And when they sang 'Hatikvah', now the national anthem of the state of Israel, they were glancing into the future, but it was a future which they would not be allowed to see.

Christie suggested that this was a description of what Müller alleged occurred inside the gas chamber.

“Well, in this area, yes…My recollection is that this is in the process of preparation…In the same building. I am not quite sure about the room. Okay. All right,” said Hilberg. (5-1141)

Do you consider that an accurate historical account?, asked Christie.

“I cannot, on my own, confirm the particular incident,” said Hilberg. “That’s why we read books. But it is a matter of record that on more than one occasion — there is another occasion when French deportees were conveyed to the gas chamber, who were Jewish, who sang the Marseillaise. So the act of singing in a moment of anticipated death is a protest, a gesture, the only gesture possible… That happened, and this is a plausible account.”

Judge Hugh Locke interjected to ask, “What is the Marseillaise?” and was told by Hilberg that it was the national anthem of France.

Christie suggested to Hilberg that books published before Müller’s also gave similar singing incidents.

“Well, I don’t doubt that,” said Hilberg. “I said I don’t recall another account of the singing of the Czechoslovakian national anthem, but I do recall something about the French national anthem — obviously a different episode.” (5-1142)

Christie produced a book entitled Verbrechens Handschriften which Hilberg testified he had seen in an English edition. Hilberg agreed that it was published in 1972 by the Auschwitz Museum. He also agreed that Filip Müller’s book Eyewitness Auschwitz was published in its German and English editions in 1979. (5-1143, 1144)

Christie referred Hilberg to page 121 of Verbrechens Handschriften and read an English translation of the passage which appeared there:

> Inside the gas chamber a certain young Polish woman made a short fiery speech in front of all persons present who were stripped naked in which she stigmatized the Nazi crimes, and the impression which she concluded with the following words: 'We shall not die. Now the history of our people will make us eternal. Our desire and our people will live and come into bloom. The German people will pay so dearly for our blood as a form of barbarism with Nazi Germany. Long live Poland… of the Sonderkommando. Be aware that the holy obligation of vengeance for us innocents rests upon you. Tell our people that we face death consciously and full of pride.'
>
> Thereupon the Poles kneeled down on the floor and solemnly said a prayer in… which made a tremendous impression. They then got back to their feet and sang in a choir the Polish national anthem. The Jews sang the Hatikvah. The common brutal fate blended at this out of the way cursed place. The lyrics sound of various hymns into one entity. The deeply heart-moving cordiality they expressed in this manner, their last sentiments and their hope. They finished by jointly singing The International. While they were singing the Red Cross arrived. The gas was thrown in the chamber and all gave up their ghost in song and ecstasy and improvement of this world.

Would you agree, asked Christie, that it seems as if Müller recounts a strikingly similar situation in the anteroom with the exception of the elimination of the word “The International"?

“Why elimination?,” said Hilberg. “I don’t understand, sir, what you are asking me, because these are two separate incidents. Here is a selection process going on. There are Communists involved. There are Jews involved. The Communists sing the International. The Jews don’t sing the International; the Jews are not Communists. Why should Jews about to go into the gas chamber sing the International?”

What I am suggesting, said Christie, is that, very clearly, Müller seems to have plagiarized an incident from that book.

“No,” said Hilberg. “You seem to assume, sir, that anything that seems to be a similar event that strikes people similarly is plagiarism. If I held this view, sir, I would be in court twenty times accusing people of plagiarizing from my work. They can have an independent idea of my own. They can describe the same thing in words similar to mine.”

You are saying that this is one event that two different people described from their own observation, is that it?, asked Christie.

“It appears that way to me.” (5-1146)

May I suggest, said Christie, that if we look at the context, we don’t find the surrounding circumstances in any way the same.

“No. The surrounding circumstances are not the same. I said so. They are two victims.”

Are you suggesting, asked Christie, that two different groups of victims sang the Hatikvah and the International, or alternatively, say the Polish national anthem and the Hatikvah?

“It is absolutely likely,” said Hilberg, “because there are repeated accounts of people singing a national anthem. I said to you that I remember an account of someone singing the French national anthem. Now here we have an account of someone singing the Polish national anthem. We also have an account of someone in this group, the Jews only, singing the Hatikvah, which turned out to be the national anthem of Israel but which was not, obviously, then. Now, in addition to that they are singing the International, so all we are saying is that there was some singing.”

Could you explain to me how, asked Christie, on these two separate occasions, people would get out of the anteroom to the gas chamber to recount what had happened?

“Well,” said Hilberg, “I think such a — if there is a survivor — incidentally, these are not necessarily survivors. These particular accounts were written, some of them, in a clandestine way by people who did not survive. I want to emphasize that from the book that you are reading, but in any case, such an event, such a sight — I was not there; I am not the person who could properly state things about it, but I can imagine how impressive it would be.” (5-1147)

Judge Locke interjected: “Don’t imagine, witness, please.”

I suggest that is what the author did, is imagine those events, said Christie.

“I cannot share that suggestion, because the authors, unlike me, were there,” said Hilberg.

I suggest, said Christie, that the authors created literary exercises and alleged that they were fact and you regard those authors as factual history.

“I said that I do not regard them as historians,” said Hilberg, “employing the style that the historian or a political scientist or, for that matter, a lawyer would use. These are people who record what they see and what they feel.”

How could either of the authors, asked Christie, see or hear the things he alleged he saw or heard without being in the gas chambers himself?

“Or be in the anteroom,” said Hilberg. He added that “of course” there was an anteroom to the gas chamber. (5-1148)

Christie suggested again that these were not historical accounts but were novelistic interpretations. Would you agree?, he asked Hilberg.

“No, I don’t agree,” said Hilberg.

Christie referred back to Eyewitness Auschwitz: Three Years in the Gas Chambers by Filip Müller at page 113:

> The atmosphere in the dimly lit gas chamber was tense and depressing. Death had come menacingly close. It was only minutes away. No memory, no trace of any of us would remain. Once more people embraced. Parents were hugging their children so violently that it almost broke my heart. Suddenly a few girls, naked and in the full bloom of youth, came up to me. They stood in front of me without a word, gazing at me deep in thought and shaking their heads uncomprehendingly. At last one of them plucked up courage and spoke to me: 'We understand that you have chosen to die with us of your own free will, and we have come to tell you that we think your decision pointless: for it helps no one.' She went on: 'We must die, but you still have a chance to save your life. You have to return to the camp and tell everybody about our last hours,' she commanded. 'You have to explain to them that they must free themselves from any illusions. They ought to fight, that’s better than dying here helplessly. It'll be easier for them, since they have no children. As for you, perhaps you'll survive this terrible tragedy and then you must tell everybody what happened to you. One more thing,' she went on, 'you can do me one last favour: this gold chain round my neck: when I'm dead, take it off and give it to my boyfriend Sasha. He works in the bakery. Remember me to him. Say “love from Yana". When it’s all over, you'll find me here.' She pointed at a place next to the concrete pillar where I was standing. Those were her last words.
>
> I was surprised and strangely moved by her cool and calm detachment in the face of death, and also by her sweetness. Before I could make an answer to her spirited speech, the girls took hold of me and dragged me protesting to the door of the gas chamber. There they gave me a last push which made me land bang in the middle of the group of SS men. Kurschuss was the first to recognize me and at once set about me with his truncheon. I fell to the floor, stood up and was knocked down by a blow from his fist. As I stood up on my feet for the third or fourth time, Kurschuss yelled at me: 'You bloody shit, get it into your stupid head: we decide how long you stay alive and when you die, and not you. Now piss off, to the ovens!' Then he socked me viciously in the face so that I reeled against the lift door.

Do you regard that as an accurate eyewitness account of a plausible event?, asked Christie.

“This is probably one of the most moving passages in the book,” said Hilberg, “and when I read it I paused. Obviously, it is incredible, but not incredible in the sense that one uses the word to describe something that is unlikely to have happened. It is incredible that a man who worked dragging out corpses was shoving people in, should want to die in his early twenties. He was talked out of it by a young woman about to die.” (5-111149 to 1151)

Inside the gas chamber, right?, asked Christie.

“Near the door.”

And she pushed him out of the gas chamber through the door?, asked Christie.

“That is his description. I think the passage is substantially correct … I cannot imagine such a passage being invented,” said Hilberg.

Because you think it couldn’t be invented, suggested Christie, you can’t imagine it being invented.

“No.”

You therefore believe it to be true?, asked Christie.

“I believe it to be true in substance,” said Hilberg.

Is there a difference between it being true in substance and true in fact?, asked Christie.

“There is a difference if two feet matters, if a gesture matters. The man is writing years afterwards.”

Do you believe, asked Christie, that people in the gas chamber, if that is described here, could push people out and the SS would be standing there and the door would fly open?

“It would be possible that when the gassing took place, as in this case, not of an entire transport having come in from the outside but people selected from the inside, that this large room was not filled, that indeed it was possible for room to be inside the gas chamber to stand around and, indeed, for space to exist between a person there and the door.” (5-1152)

Christie turned back to Müller’s book and read from a passage which appeared on page 161:

> Suddenly from out of the ranks of doomed prisoners stepped the young Rabbinical student who had worked in the hair-drying team. He turned to Oberscharführer Muhsfeld and with sublime courage told him to be quiet. Then he began to speak to the crowd: 'Brothers!' he cried, 'it is God’s unfathomable will that we are to lay down our lives. A cruel and accursed fate has compelled us to take part in the extermination of our people, and now we are ourselves to become dust and ashes. No miracle has happened. Heaven has sent no avenging bolts of lightning. No rain has fallen strong enough to extinguish the funeral pyres built by the hand of man. We must submit to the inevitable with Jewish resignation. It will be the last trial sent to us by heaven. It is not for us to question the reasons, for we are as nothing before Almighty God. Be not afraid of death! Even if we could, by some chance, save our lives, what use would that be to us now? In vain we would search for our murdered relatives. We should be alone, without a family, without relatives, without friends, without a place we might call our own, condemned to roam the world aimlessly. For us there would be neither rest nor peace of mind until one day we would die in some corner, lonely and forsaken. Therefore, brothers, let us now go to meet death bravely and with dignity!'

Christie next produced the book *Auschwitz: A Doctor’s Eyewitness Account* by Dr. Miklos Nyiszli and referred to a passage on page 143, which he suggested to Hilberg was plagiarized by Müller:

> This was where the “Dayen” worked, or rather, where he did not work, for all he did was watch the fires burn. Even so he was dissatisfied, for his religious beliefs forbade him from participating in the burning of prayer books or holy objects. I felt sorry for him, but could do nothing further to help him. It was impossible to obtain an easier job, for we were, after all, only members of the kommando of the living dead.
>
> This then was the man who began to speak:
>
> “Fellow Jews… An inscrutable Will has sent our people to its death; fate has allotted us the cruelest of tasks, that of participating in our own destruction, of witnessing our own disappearance, down to the very ashes to which we are reduced. In no instance have the heavens opened to send showers and put out the funeral pyre flames.
>
> “We must accept, resignedly, as Sons of Israel should, that this is the way things must be. God has so ordained it. Why? It is not for us, miserable humans, to seek the answer.
>
> “This is the fate that has befallen us. Do not be afraid of death. What is life worth, even if, by some strange miracle, we should manage to remain alive? We would return to our cities and towns to find cold and pillaged homes. In every room, in every corner, the memory of those who have disappeared would lurk, haunting our tear-filled eyes. Stripped of family and relatives, we would wander like the restless, shuffling shadows of our former selves, of our completed pasts, finding nowhere any peace or rest.”

Hilberg agreed that a “Dayen” was a rabbinical student.

Do you see any similarity with the words?, asked Christie.

“Very similar.” (5-1156)

In the case of Müller, said Christie, he is saying that it was the rabbinical student; in the case of Nyiszli it was a “dayen” which I suggest was a rabbinical student, right?

“Well, go ahead,” said Hilberg.

In the case of Müller the man is inside the anteroom or gas chamber; in the case of Nyiszli, the words are attributed to him as part of the Kommando, right?, asked Christie.

“Yes. It is not clear what Kommando,” said Hilberg.

Do you consider, asked Christie, that it is possible that these emotionally-filled parts of one book might find themselves, by accident, into Filip Müller’s book?

“No, I don’t think there are accidents in this life,” said Hilberg, “but I do think that it is possible for two people to have heard the same thing. It is also possible for someone to have heard a repetition of it… It is even possible for two people to have made substantially the same statements, because the nature of the language employed is rather typical of what religious Jews would say in these circumstances, the language of resignation.”

How do you explain the fact that both these eyewitnesses describe the situation to which they say the other eyewitness is not present?, asked Christie.

“Of course, I don’t know who was present and who was not present. I cannot rule out, if you are suggesting that years after the event, when a book is being written of accounts, a person may mix something he recollects with something that he had read about, the same thing, of course this is possible,” said Hilberg. (5-1157)

I suggest, said Christie, that Nyiszli published his book in 1960 and that the substance of that event was published by Müller and attributed to a totally different situation in 1979.

“I don’t know whether it is a totally different situation at all,” said Hilberg, “nor would I jump to the conclusion that it is any more than a very similar language of a very similar account. I do not rule out the fact that someone writing decades after the event about something, having in the meantime read about an event or the same event somewhere else, will resort to language — he may think that he had heard it; he may, indeed, have read it instead. That is not to be ruled out. I don’t think that a particular speech was not made. I don’t think that it didn’t occur at some point because it is common enough.”

It’s common in the literature of the eyewitnesses in different situations, is that right?, asked Christie.

“It is common enough in different situations, and even in different camps, for religious Jews to have made speeches of resignation much, if not exactly, with language such as that which you have read,” said Hilberg. “…I would be speculating as to the reason for the similarity of the language in the two accounts.” (5-1158)

Would you agree, asked Christie, that they do appear to be rather elaborate literary accounts of events?

“Well, I don’t want to qualify myself as a person in literature, but no, I don’t think this is what I would call literary.”

Would you agree with me that your quoting selectively from Gerstein and Höss was similar in kind to the sort of selection of stories prepared by Filip Müller in his book?, asked Christie.

“Well, I'd say that Filip Müller as a witness, is a remarkable, accurate, reliable person; not one who is learned, so far as I know — an ordinary individual. I think that in any account written many years after an event, with intervening years, with other books having been published, there is always the possibility that somebody is influenced, not only by what he recollects but by what he may have read in the meantime. I would not deprive Müller of his honesty… Plagiarism is a strong word,” said Hilberg.

I suggest to you, said Christie, that there is no other explanation for finding the same words in exactly the same form in two different books in different circumstances, unless there is something fishy.

“Well, I don’t know whether the particular rendition in Müller’s book owes something or does not owe something to the Nyiszli description. It may very well owe something to it; but to say that he sat down and simply copied is something else.” (5-1159)

Christie turned to page 626 of Hilberg’s book, The Destruction of the European Jews, and the following passage:

Most of the Birkenau arrivals saw great flames belching from the chimneys…

Do you believe that is true?, asked Christie.

“Yes. As a matter of fact, in my second edition —,” said Hilberg.

I suggest to you, said Christie, that it cannot reasonably be true, in that crematorium chimneys do not belch flames. In fact, no chimney can belch flames without burning up very quickly. Did you consider that?

“Let me simply say,” said Hilberg, “that there are many accounts of substantially similar nature of the same phenomenon, not only by survivors, but by persons in and in the vicinity of Auschwitz… I cannot characterize the nature of what they saw myself, because I have not seen it myself.”

Do you believe those accounts?, asked Christie.

“They are mentioned by several survivors. They were mentioned by railway personnel. They were mentioned by German personnel associated with the industrial complex not very close to Birkenau,” said Hilberg.

Could you name the names, please?, asked Christie.

“Well, today Wiesel is another survivor, making a similar description in his book,” said Hilberg. (5-1160) Hilberg agreed that Elie Wiesel was the president of the Holocaust Memorial Council by appointment of the President of the United States.

Do you want to name any others who saw the flames belching from the chimneys?, asked Christie.

“Well, there are a number of people. Now I would be hard-put to give you their names, but there are a number of people, as I said, belonging to the railway organization,” said Hilberg.

I am interested in the name, said Christie. Generalities are of no value to me.

“Yes. But I did not come prepared with all of the names, there being thousands of them.”

Yes, thousands, said Christie.

“Some of which, however, are in print. If you have the German edition of my work, I will show them to you.”

Christie indicated he would make an attempt to get the German edition of the book. He next referred Hilberg to page 623 of his book and the following passage:

According to Morgen… young Jewesses [were murdered] … Immediately after that the corpses were cut into small pieces, mixed with horsemeat, and boiled into soap.

Do you believe that to be the truth, the soap story?, asked Christie.

“No. As a matter of fact the rumour —,” said Hilberg.

I really would appreciate a short answer, said Christie. (5-1161)

“The answer is no,” said Hilberg.

Judge Locke interjected, instructing Hilberg to answer the question.

“The short answer,” said Hilberg, “is that I do not believe that, on a regular basis, soap was made from human fat, but that the rumour of such soap was so widespread within German- occupied Europe during the war that I attempted to discover the origin of this rumour. How did it come about? Why is it mentioned in Slovakia, why is it mentioned in the German railway organization, why is it mentioned in so many different places?…My answer is that I regarded the soap story as a rumour. I was interested in its origin. The passage to which you refer is in the nature of an attempt to find out the origin, there being several possible reasons why the rumour may have been circulated,” said Hilberg. (5-1162)

So you were interested in rumours circulating to determine their origin?, asked Christie.

“Well, I was interested in this particular rumour.”

Did you ever find any evidence of its reality or truth?, asked Christie.

“No. I do not believe that, on a regular basis, in Auschwitz or someplace other than Auschwitz where human beings were killed, as it were, on an assembly line, soap was made from the fat of the corpses. I said that and I want to underscore it. I don’t believe it,” said Hilberg.

Do you have any evidence of the making of soap?, asked Christie.

“No. I do not believe it. The problem is in a very tiny forum such as yours of proving it didn’t happen.”

Because there were rumours, asked Christie, you tried to find if there were facts behind them?

“Yes. I tried to find if there was an origin, something, anything.” (5-1163)

And you found out there was no proof for the origin of this rumour, said Christie.

“No. I do say that there were reported occurrences, and I do speculate that these may well have been the reason for the circulation of the rumour, but a rumour it remains in my book, not a fact,” said Hilberg.

Are you familiar, asked Christie, with other occasions upon which inmates of these camps have made ridiculous statements under oath in a court of law in West Germany, for example?

“Well, I am not able to produce a ridiculous statement and characterize it as a statement,” said Hilberg.

Christie asked whether Hilberg would consider as a credible statement that camp inmates regularly carried out bicycle races around gas chambers in the concentration camp Auschwitz-Birkenau to keep themselves physically fit during breaks in the murders.

“No,” said Hilberg. (5-1164)

Christie produced a copy of the Nuremberg newspaper for 11 September 1978 which he suggested showed that a former concentration camp inmate had testified to such occurrences.

“All I can say,” said Hilberg, “is that you have shown me a newspaper report which I see for the first time of what is alleged to have been said by a former political prisoner who was a German, not a Jew.”

Christie asked to file the newspaper as an exhibit. This was refused by Locke who stated: “We are not going to have this court cluttered with newspaper reports third hand.” (5-1165)

Christie turned next to the subject of the Luther Memorandum. Hilberg testified that Luther was in charge within the German Foreign Office of a division labelled Division Germany and that the memorandum he wrote was written after the time gassings on a massive scale had already begun in Auschwitz. (6-1167)

Christie read the last page of the Luther memorandum to the court:

The intended deportations are a further step forward on the way of the total solution and are in respect to other countries (Hungary) very important. The deportation to the Government General is a temporary measure. The Jews will be moved on further to the Occupied Eastern Territories as soon as the technical conditions for it are given.

I therefore request approval for the continuation of the negotiations and measures under these terms and according to the arrangement made. (Signed) LUTHER.

Hilberg agreed that the occupied eastern territories were in the area of Latvia, Lithuania, Estonia and the Ukraine. Auschwitz was not in the eastern territories, but in “an incorporated territory of Germany.” (6-1169)

Would you agree, asked Christie, that this memorandum clearly indicates that the intention was to deport the Jews further into the occupied eastern territories?

“No,” said Hilberg. “There are several aspects to this particular document which do require some explanations. First of all, it is a history. It’s not a memorandum of a situation at a given date but, rather, a recapitulation of policy from 1939 to 1942. That’s the first important qualification one must make… There was a phase in which Jews were deported from Germany to the so-called Government General, into ghettos, prior to the establishment of killing centres, prior to the establishment of death camps. Now, as he is writing this memorandum, these death camps had begun operation, in the case of one of them a month earlier, in the case of the other two, several months earlier; but he is writing a memorandum — we don’t know the exact date on which it was drafted — in which he is recapitulating history. One aspect of this history was the temporary lodging of Jews from Germany in ghettos of Poland until such time as gas chambers were erected in order to receive them for gassing.” (6-1170)

I suggest, said Christie, that the memorandum is dated 21 August 1942 at Berlin and is marked “Most Urgent"; that although it does give historicity and refers to the previous Madagascar plan, as far as the portion I have read, it deals with what further steps and future intentions were, at least, expressed by this author.

“No,” said Hilberg. “The author, as you pointed out, was in the Foreign Office. As such, his information, at times, was a couple of times behind the information available to the SS… He did take part in the 'final solution' conference of January 20, 1942. His information was reasonably up-to-date up to that point.”

The Wannsee Conference, suggested Christie.

“That’s correct. But there are several respects in which the information may have reached him late, and as I say, this is a think-piece. This is a memorandum… It’s simply one of these documents that are not self-explanatory. As you stated, it is several pages long. As I stated, it is a recapitulation, and it utilizes a certain number of euphemisms, as do most of these documents. It turns out that relocation across the border, meaning the border of the Government General and the eastern territories was a euphemism for Belzec and Treblinka, which were on that border.” (6- 1171, 1172)

Hilberg testified that he was familiar with the book, Hitler’s Table-Talk, which was the result of two stenographers who took down everything Hitler said at his meals. “…This is a peculiar document,” said Hilberg, “because the German original is no longer extant. We only have the English translation in what appears to be in the German title in the retranslation of the English.”

Would you doubt its authenticity?, asked Christie.

“Well, subject to the qualification I just mentioned, it does appear to me to be reasonably authentic. Obviously, in a retranslation, one must be careful, because one cannot be certain, this being recorded table-talk and then translated and retranslated, whether these were the actual words or just the approximate words of Adolf Hitler.”

Christie produced page 471 of the book and referred to an English translation of the following entry from 24 July 1942:

After the war he would be rigorously holding the point of view that he would destroy one town after the other unless the filthy Jews get out and wander off to Madagascar or some other Jewish national state, Hitler said…

Hilberg did not agree with this translation.

“I will give you my free translation,” he said. “After the war he was going to be representing rigorously the point of view that he is going to demolish city after city if these lousy Jews don’t get out, either to Madagascar or some Jewish national state. That is what he is quoted here as saying.” (6-1174)

If Hitler ordered the extermination of the Jews in 1941, asked Christie, why did he speak about Jewish emigration after the war?

“You have to ask yourself to whom he was speaking at the table,” said Hilberg.

Well, did he forget, asked Christie, or was he making up some pretense for those at the table?

“I don’t believe that Adolf Hitler forgot. I do believe, however, that he spoke differently to different people. And he obviously knew that it was important to keep secret what was happening. Here I present a conclusion, but one which I think is reasonable. Thus, what he was quoted at the table-talk with unknown persons present in translation, retranslation and back and forward, may have been just a comment which one need not take terribly seriously,” said Hilberg. (6-1175)

Christie turned to the testimony of Hans Lammers, the chief of the Reich Chancellery, at Nuremberg. Hilberg agreed that Lammers testified at the trial that he had no knowledge of any plan to exterminate the Jews and never knew of any word of Hitler to that effect. (6-1176, 1177)

Christie produced a document which Hilberg agreed was the survey results of a questionnaire sent to 26,674 political leaders in Germany after the war.

“Well, it’s a defence document for political leaders of the Nazi party, essentially,” said Hilberg. (6-1177)

Are you aware, asked Christie, that this document has indicated that they had, until after the war, no knowledge of any extermination camps?

“That is, indeed, what they said on this questionnaire,” agreed Hilberg. “…I would say that a good many of them would choose to say that they had no knowledge, even if they had varying degrees of knowledge, because obviously, they were on the spot, and having knowledge might be the first step towards some prosecution.”

But isn’t it also true, suggested Christie, that many of the Nazis who were at various times accused were very useful witnesses for the prosecution in order to get them out of trouble?

“True,” said Hilberg.

Christie next produced the Staff Evidence Analysis attached to Nuremberg document 4055-PS. Hilberg explained that the Staff Evidence Analysis “simply means that somebody on the staff of the prosecution was briefing the correspondence contained in the document, sometimes adding certain identifying information about the people who were involved in this correspondence.” (6-1178)

Christie pointed out to Hilberg that the Staff Evidence Analysis showed that one of the documents attached to it was a note stating that Hitler intended to postpone the solution of the Jewish problem until after the war.

“That is the Staff Evidence Analysis,” said Hilberg, “but I would have to see the document.”

Yes, that’s the problem, said Christie. Have you looked in the archives for this particular document?

“I recall seeing no note, and I don’t know to which note, let me put it this way. It says here, 'Note', undated note. There is a date with every other item here, or next to every other item save one. This is an undated note, and it’s not identified who wrote the note.”

Have you looked to see if that note exists?, repeated Christie.

“I have not found it,” said Hilberg.

“Have you looked, though?, asked Christie again.

“I have looked wherever I could look,” said Hilberg, “I have not found it.”

That would be an important piece of evidence in this type of question, would it not?, asked Christie.

“Not necessarily,” said Hilberg. “It depends on who wrote the note, when and what his impression was, and obviously, if an important person said this, let’s say, in 1942, that would be important; but if it were said earlier by someone not in the direct possession, or someone not recording hearsay, it might not be important.” (6 1180)

Wasn’t Luther an important person?, asked Christie.

“Luther was, of course, important.”

Well, he said it in 1942, didn’t he?, asked Christie.

“Well, he said it in something of this kind, but in a recapitulation which must be read in its entirety to get the context.”

Would it make it somewhat significant if it was dated March or April, 1942?, asked Christie.

“Well, it would be, absolutely,” said Hilberg.

Were you aware of the existence of this Staff Evidence Analysis?, asked Christie.

“Well, I tried to read the document rather than the Staff Evidence Analysis, since Staff Evidence Analysis is just a way of finding the document and a way of telling the casual reader whether he wants to go on reading,” said Hilberg.

I suggest to you, said Christie, that that document, even though it is referred to and identified in the Staff Evidence Analysis, has disappeared from the archives. Is that a possibility to you?

“Yes, it is, although the question should really be put to an archivist, because documents were sometimes pulled out of their context and may not have been replaced. The so-called disappearance may be a so-called misplacement of the document, and until all of them are microfilmed and the computer goes through all the names, which may take another twenty years, a missing document may, in fact, not be located,” said Hilberg. (6-1180)

It appears, then, said Christie, that even today some of the relevant documents to give us a clear understanding of this massive situation are still missing. Would you agree?

“Oh, yes.”

And some of them might very clearly contradict some of our firmly-held views, said Christie.

“I can never exclude the possibility of contradiction. After all, there are people who maintain at Stuttgart that Hitler did not give any orders,” said Hilberg.

So in fact, suggested Christie, people questioning these types of situations can be of use to you and to others in stimulating further research.

“Obviously,” said Hilberg. “And if I could live another fifty years, I think I might invest another thirty-six of them in further research.”

Because this is a very important question, isn’t it?, asked Christie.

“No doubt it is.”

And we are all learning in this life, even yourself, sir, suggested Christie.

“We never stop,” agreed Hilberg.

Was it possible, asked Christie, that when defendants made complaints at the Nuremberg trials, they wiped it out of the record?

“Are you suggesting that complaints were wiped out of the record if they were made in open court?,” asked Hilberg.

Yes, said Christie. (6-1181)

“No. I have never heard of anything like it,” said Hilberg.

Christie produced and showed to Hilberg a document dated 30 April 1946.

“Oh, expunged from the record?,” said Hilberg.

I was going to suggest, said Christie, that the reason why Streicher’s complaint about mistreatment didn’t appear was because it was expunged, wiped out of the record.

“Well, I have been in court a dozen times, and I have heard judge’s directions, 'That particular comment should not appear on the record.' I suppose this is not unheard of,” said Hilberg.

Judge Locke interjected to point out to Hilberg that this did not happen in Canadian courts.

“I'm sorry,” said Hilberg, “it does happen in American courts.”

And it happened in Nuremberg, sir?, asked Christie.

“It might have.”

In respect to allegations from Streicher at least, it happened, sir?, asked Christie.

“Undoubtedly, but I have no way of knowing what was expunged,” said Hilberg.

I suggest, said Christie, that it was reported in the newspapers at the time, and that is why, when I brought out the newspaper yesterday, you said, 'Show me the record.' (6-1182)

“Well, all that I see on this record is that the president of the tribunal expunged the comments because they were 'entirely irrelevant'. That is what it says right here,” said Hilberg.

Yes, said Christie. So we do agree that parts of the Nuremberg transcript were expunged?

“If, at the request of the president of the tribunal, they were deemed to be entirely irrelevant…,” said Hilberg.

Hilberg agreed with Christie’s summary of the following passage in the Nuremberg transcript from April 30, 1946:

MR. JUSTICE JACKSON: May it please the Tribunal, I should like to make a motion to the case of Streicher. I desire to move that Streicher’s testimony found on Pages 8495, and 8496 of April 26th be expunged from the Record, and on Page 8549 of yesterday’s testimony.

THE PRESIDENT: Dr. Marx, do you wish to say anything about that?

DR. MARX: Excuse me, Mr. President. Unfortunately, I did not completely understand the motions made by the Chief Prosecutor, Mr. Justice Jackson, because at that moment I was busy with something else. As far as I understood, he dealt with the deletion.

THE PRESIDENT: I can tell you what the motion was. The motion was that passages on Pages 8494, 8495, and 8496, and on Page 8549 be expunged from the record.

DR. MARX: I understand. I would like to say, from the point of view of the Defense, that I agree that these passages be expunged from the record, because I am of the opinion that they are in no way relevant for the defense of the defendant.

THE PRESIDENT: The passages to which Mr. Justice Jackson has drawn our attention are, in the opinion of the Tribunal, highly improper statements made by the Defendant Streicher. They are, in the opinion of the Tribunal, entirely irrelevant, and they have been admitted by counsel for the Defendant Streicher to be entirely irrelevant, and they will, therefore, be expunged from the record.

Christie put to Hilberg that so far as the Nuremberg transcript was concerned, the fact that allegations of torture were not found there did not mean they were not made.

“Well, I don’t know whether I can jump to that conclusion,” said Hilberg, “because I would concede that most anything is possible in this world, but I merely testified to the unlikelihood that there would be real torture inside Nuremberg.” (6-1184)

Christie turned next to the booklet, Did Six Million Really Die? and referred Hilberg to page 4 and the following passage:

> To date, the staggering figure of six thousand million pounds has been paid out in compensation by the Federal Government of West Germany, mostly to the State of Israel (which did not even exist during the Second World War), as well as to individual Jewish claimants.

In answer to an objection from the Crown prosecutor, Mr. Griffiths, that Hilberg was not qualified to give evidence on this topic, Christie asked Hilberg whether he had not dealt extensively with the subject of reparations at pages 748 and 749 of his book.

“Let me look at the page,” said Hilberg, “… This is technically indemnification, not to be confused with reparations… In other words, there is one term you mentioned before, but technically there are three provinces — one is restitution, that is restitution of property insofar as it is identifiable to the rightful owner; the second is indemnification — that is different and it includes payment for loss of freedom and health to survivors; the third is reparations — that is an agreement between the West German government and Israel in the Claims Conference, which is a private organization; and pursuant to the reparations agreement, money was set

forward in the agreement, but made good in the form of payments in goods to Israel to compensate Israel for the absorption of survivors. So there are three different programmes under three agues, under different auspices." (6-1185, 1186)

Christie produced and showed to Hilberg a document from the West German Federal Ministry of Finance. Although Hilberg had never seen this particular document, he testified that he had seen substantially the same information from the same sources concerning payments made by West Germany. Hilberg indicated to the court that the document was a recapitulation of payments made as of January 1, 1983 which showed that the total compensation paid by West Germany and its provinces was 86 billion DM. In terms of Canadian dollars, Hilberg agreed this was the equivalent of about $40 billion. Of this, 3.45 billion DM were payable to the state of Israel; the other payments were made to individual Holocaust survivors. (6-1187 to 1189)

"… The bulk is to individuals," said Hilberg, "because you see at the top a figure of 54 billion, and this is a payment made to individuals under the law which is already referred to as the Indemnification Law. These individuals are Jews as well as non Jews, and that's the total cumulatively."

Would you agree, asked Christie, that that figure has gone up in time?

"It has gone up because of a variety of reasons. One is that the West German government widened the law to recognize more claimants than before, because built into the pension payments, particularly, was an escalator clause to take care of inflation. And since some of these payments are still being made, one must remember that they reflect the inflation. Payments made over a period of decades reflect different values over the years." (6-1189)

Christie asked whether large amounts of reparations and compensation had been paid by West Germany by 1974.

"Well, 'large' is… a relative term," said Hilberg. "because the payments may represent half a percent or less than a third of the percent of the gross produce of West Germany in any given year, and because they reflect injuries to different individuals, they have received them over a period of time, it is obvious that if someone is hurt, even in an automobile accident, and gets recognition of his claim, it is going to involve a rather large sum of money, even one individual." (6-1191)

Christie referred back to Did Six Million Really Die? at page 6:

> The detention of Jews in the occupied territories of Europe served two essential purposes from the German viewpoint. The first was to prevent unrest and subversion; Himmler had informed Mussolini on October 11th, 1942, that German policy towards the Jews had altered during wartime entirely for reasons of military security. He complained that thousands of Jews in the occupied regions were conducting partisan warfare, sabotage and espionage…

Would it be an accurate statement, asked Christie, to say that by October 11, 1942, Himmler had formed the view that Jews were involved in sabotage in the area of western Russia? (6-1192)

"No," said Hilberg. "It does not mean that at all. I have, although I have not said it in my book, I have seen, on microfilm, the record of this particular conference… there is a record of it in the National Archives of the United States."

When you were asked to read this booklet, asked Christie, did you have the record of that conference, or did you check it in any way?

"It's one of the very many documents I have at home. Surely," said Hilberg. He confirmed that he had checked it.

And is that statement that Himmler indicated at that time, that Jews were involved in partisan warfare, an accurate statement of what he indicated at the time?, asked Christie.

“Well, as I recall the particular memorandum, there was a discussion between Himmler and Mussolini on that date in which the subject of discussion was wide ranging — the nature of the war and everything else.”

Are you suggesting that topics as situated there did not come up?, repeated Christie.

“It did come up, and in the course of the paragraph so devoted to Jews, in this conversation, Himmler said that the Jews were working, building streets and so on and so forth, and those that were obstreperous or had joined the partisans would have to be shot; and it’s true he said there were large numbers of them that had to be shot,” said Hilberg. (6-1193)

He continued, “I thought you asked me whether I believed him in what he was saying.”

So that statement, asked Christie, whether Himmler believed or not being aside, that statement is accurate about that meeting?

“He was saying something of that sort. It’s close enough,” said Hilberg.

Christie moved to page 7 of Did Six Million Really Die? and referred Hilberg to the following passage:

> This is acknowledged by the World Jewish Congress in its publication Unity in Dispersion (p. 377), which states that: “The majority of the German Jews succeeded in leaving Germany before the war broke out.”

Hilberg indicated that “the publication and the figures are substantially correct… I said substantially correct, because as in everything else, there are qualifications. It is true that if you measure the number of emigrants from Germany prior to September 1, 1939, the majority of the original 500,000 Jews in Germany had left. This leaves out the question of where they went to and what subsequently happened to them.”

I am trying to check the quote, said Christie. Did you check that quote at all, sir?

“Oh, yes, I have no problem with it,” said Hilberg.

Christie produced the publication Unity in Dispersion: A History of the World Jewish Congress, which Hilberg indicated he was familiar with. At page 377 the following passage appeared:

The majority of German Jews succeeded in leaving Germany before the war broke out and a substantial number of them settled in Latin American countries.

“It is not accurate that a substantial number of them settled in South American countries,” said Hilberg, “because a lot of them went to Latin American countries to settle; but other than that it is correct.” (6-1195)

Christie referred Hilberg next to the following passage on page 8 of Did Six Million Really Die?:

> In Colliers magazine, June 9th, 1945, Freiling Foster, writing of the Jews in Russia, explained that “2,200,000 have migrated to the Soviet Union since 1939 to escape from the Nazis…”

Did you check that at all to find out if that was true?, asked Christie.

“No. Collier’s magazine is a defunct magazine. I have not checked that… I can’t confirm or deny whether it was accurately reported, but obviously, the figure, to my mind, is out of the question,” said Hilberg. (6-1197)

Christie returned to Did Six Million Really Die? at page 9:

> The reason for this high figure is underlined by Albert Maisal in his article “Our Newest Americans” (Readers Digest, January, 1957), for he reveals that “Soon after World War II, by Presidential decree, 90 per cent of all quota visas for central and eastern Europe were issued to the uprooted.”

Christie produced the Reader’s Digest from January of 1957 and the Maisel article, where it said:

Soon after World War II, by Presidential directive, 90 percent of all quota visas for central and eastern Europe were issued to the uprooted who dared not return to their homes behind the Iron Curtain.

Hilberg agreed that what appeared in Did Six Million Really Die? was a direct quote of the Reader’s Digest article. (6-1198, 1199)

Christie noted that earlier in Hilberg’s testimony a question had arisen as to whether the first affidavit of Rudolf Höss, dated 5 April, 1946, was in English or not. Hilberg agreed that “there was confusion left on the matter.”

Christie produced a document dated 24 April 1946 and asked Hilberg to look at it.

“Yes,” said Hilberg. (6-1199)

At the back, said Christie, is a photocopy of the document. That’s what I would particularly like to ask you about.

“Mm-hmmm.”

And can you tell me what it is, sir?, asked Christie.

“The photocopy? Well, on the third page, written in English as stated above,” said Hilberg.

Yes, in English, said Christie.

“It is typed in English.”

So I assume from your answer, said Christie, you say that you identify the document as the affidavit of Höss filed on the 24 of April, 1946, and it is typed in English and signed by him; would you agree?

“Well, the signature, obviously, is hard for me to identify this from. It appears to be something like a signature,” said Hilberg.

Do you have any better knowledge of the document, asked Christie, or is that the Höss affidavit referred to in the Nuremberg Military Tribunal?

“You mean an earlier one, or — “

Do you have any knowledge of an earlier affidavit?, asked Christie.

“No. Offhand I couldn’t say an earlier one. Lots of later ones.”

That is, I suggest to you, the affidavit of Rudolf Höss, said Christie.

“That could quite be the case, yes.”

Have you ever seen it before?, asked Christie.

“Oh, yes,” said Hilberg, “I've seen it.”

Is it any different from any other time that you have seen that document?, asked Christie. (6-1200)

“No.”

So could you say that this is the document that I suggest it is?, asked Christie.

“Yes,” said Hilberg.

Christie returned back to Did Six Million Really Die? and a passage on page 10:

> According to Manvell and Frankl (Heinrich Himmler, London, 1965), the policy of genocide “seems to have been arrived at” after “secret discussions” between Hitler and Himmler (p. 118), though they fail to prove it.

Hilberg testified he was familiar with the book Himmler by Manvell and Fraenkel which was published in 1965 and agreed, further, that on page 118 of the book it indicated that the decision to practise mass extermination as a national policy of genocide seemed to have been arrived at only after secret discussions which were inevitably dominated by Hitler.

Would you agree, asked Christie, that appears to be an accurate summary of the present situation, namely, that any discussions seem to have been arrived at in secret, according to that book, and maybe according to you, too?

“Oh, yes,” said Hilberg, “It is obviously not a public discussion of the matter.”

Christie referred next to a passage on page 10 of Did Six Million Really Die?:

> William Shirer, in his generally wild and irresponsible book The Rise and Fall of the Third Reich, is similarly muted on the subject of documentary proof.

Leaving aside the judgmental words 'wild and irresponsible', would you agree that Shirer is silent on the subject of documentary proof?, asked Christie. (6-1201, 1202)

“It’s a journalistic book, frankly,” said Hilberg, “based mostly on secondary sources. It is aimed at the general public. It does not pretend to be scholarly. It is not such, and it would not, at least by me, be included for reference.”

Do you agree, repeated Christie, that the book, as many others, is silent on the subject of documentary proof?

“Well, that book is silent on a lot of things,” said Hilberg.

Well, even we today, sir, yourself as an expert and looking at other experts, would agree as late as the Stuttgart Conference last spring, that there really doesn’t seem to be any documentary order, said Christie.

“Documented in the sense of a written order,” said Hilberg.

Yes, agreed Christie, documentary proof. And I suppose could you agree that that might mean the same thing?

“Well, not necessarily, because you see there is mention of a Hitler order in documents,” said Hilberg. “… It’s not the Hitler order that exists in the form of a document, because that appears to have been oral, but there are documents that state that there was a Hitler order.”

Yeah, there are testimonies of people, suggested Christie.

“No, no, no. There are documents. I repeat, there are documents. Even in the Wannsee Conference you will find reference to that,” said Hilberg. (6-1203)

None of those documents that state there was a document are quoted in your book Documents of Destruction, suggested Christie.

“Well, in fact I, myself, translated the Wannsee Conference, and it is in there.”

And we have gone through that before, but having gone through it, it does not include a reference to extermination at all, said Christie.

“It includes a reference insofar as Heydrich speaks of the evolution of the policy arriving at the 'final solution' and makes specific reference to Hitler in that connection,” said Hilberg.

So the reference to Hitler and the 'final solution' is what you mean?, asked Christie.

“Well, of course, but in this book… since you asked a question, if I may say, I have appended Eichmann’s testimony from the Eichmann trial elucidating the Wannsee Conference.”

I just asked you, said Christie, if in the Wannsee Conference you mean, by talking of an order, they talk about the 'final solution.'

“I mean by it the annihilation of the Jews of Europe,” said Hilberg.

But even in the Wannsee Conference did it have a memorandum or anything before it —, began Christie.

“You mean the words 'final solution'?,” asked Hilberg. “It was not used; except in the Stroop Report where it does appear.” (6-1204)

But it was not a deep, dark secret that there was reference to a 'final solution', pointed out Christie, because it was referred to by Luther and it was defined in terms other than you would define it; would you agree?

“Well, the Luther Memorandum, as I testified before, is a long summary and one which is not, in all respects, complete to August 1942,” said Hilberg.

But it talks of a 'final solution' and does not talk about extermination, said Christie.

“There was, assuredly, in the month of January, February, even March, in the mind of some people, a good deal of haziness as to what was to be done with the Jews, and in some cases one finds this haziness existing even after March 1942, and it is sometimes hard to decide whether or not the author is fully familiar with the detail, or is sometimes writing in vague language what he is familiar with,” said Hilberg.

Christie produced page 964 of The Rise and Fall of the Third Reich by William Shirer and the following passage:

What became known in high Nazi circles as the “Führer Order on the Final Solution” apparently was never committed to paper — at least no copy of it has yet been unearthed in the captured Nazi documents. All the evidence shows that it was most probably given verbally to Göring, Himmler and Heydrich, who passed it down during the summer and fall of 1941. A number of witnesses testified at Nuremberg that they had “heard” of it but none admitted ever seeing it. Thus Hans Lammers, the bullheaded chief of the Reich Chancellery, when pressed on the witness stand replied:

“I knew that a Führer order was transmitted by Göring to Heydrich… This order was called 'Final Solution of the Jewish Problem.'”

But Lammers claimed, as did so many others on the stand, that he did not really know what it was all about until Allied counsel revealed it at Nuremberg.

Hilberg agreed that Did Six Million Really Die? had correctly and accurately quoted from The Rise and Fall of the Third Reich. (6-1206)

Would you agree with what Shirer published as being true?, asked Christie.

“Well, it is not entirely so,” said Hilberg. “He was not really a specialist on these matters. He wrote rather early in the 1950s and he made certain conclusions, most of which I would say would be shared, but if I had to put it into my own words, I would have to give it a slightly different description of these events.”

Would Shirer’s description be false?, asked Christie.

“It would be correct insofar as he states that there is no written order by Hitler that has ever been found, and if by 'verbal' you mean 'oral', then he is correct in sharing the supposition that other researchers have that these utterances were oral if, indeed, orders were given,” said Hilberg. He disagreed with Did Six Million Really Die?’s position that the policy itself did not exist.

Christie referred Hilberg next to the following passage on page 11 of the booklet regarding the Nuremberg trials:

> Among the judges, of course, were the Russians, whose numberless crimes included the massacre of 15,000 Polish officers, a proportion of whose bodies were discovered by the Germans at Katyn Forest, near Smolensk.

Is it true, asked Christie, that the indictment at Nuremberg against the major war criminals included the accusation that they had murdered the Polish officers at Katyn?

“Yes, there was such a point in the indictment… If I remember correctly, yes,” said Hilberg. (6-1208)

I suggest to you, said Christie, that most authorities would hold that the Russians were probably guilty of that crime?

“I am not the specialist on the Russians, but it is my own belief that, you know — … the Germans did not do it…,” said Hilberg.

Judge Locke instructed Hilberg not to answer if he was not a specialist on the Russians.

If the Germans were not guilty, suggested Christie, one of the judges on the tribunal represented a country that pretty well had to be the other culprit, right?

“Yes,” agreed Hilberg. (6-1209)

Would you say that it was true that most authorities now, today, would agree that the Russians were sitting in judgment on a charge, one of the elements of which, they themselves were guilty of?

“I don’t know whether I should answer it within the confines of what I am qualified to answer at all, but I think that is the prevailing view,” said Hilberg.

Christie referred Hilberg to the chapter in Did Six Million Really Die? entitled “Confessions Under Torture.”

Would you agree, asked Christie, that all of the statements on that page are probably true?

“No. I have repeatedly testified to something entirely different. I characterized this in all sorts of ways over the days. I don’t know that it is necessary for me to repeat all this testimony. It’s in the record,” said Hilberg.

Let me be more precise then, said Christie. Could you identify one statement on that column, on page 12, under “Confessions Under Torture,” that you say is false?

“I do not state that something is false because I said before that I had no independent knowledge of some of the allegations pertaining to the Malmédy trial which was not a Holocaust trial or, for that matter, to the Dachau trial,” said Hilberg.

Does this article say that the Malmédy trial is a Holocaust trial, anywhere?, asked Christie.

“The pamphlet is one pertaining to the 6 million,” said Hilberg. “Not one of the 6 million was involved in the Malmédy trial; not one.” (6-1212)

Nor does the pamphlet say they were, sir, I suggest, said Christie.

“All right.”

I suggest the reason for referring to torture in the Malmédy trial, said Christie, is to analogize that probably the same situation prevailed in other trials. Do you agree?

“Well, there may be that insinuation or implication that was intended by the author. That I do not dispute,” said Hilberg.

Christie asked again that Hilberg point out a single statement in the column under “Confessions Under Torture” which was false.

“Well, the statement — are you now asking me whether the attributions are false, or whether, for example, Justice Wennerstrum, as quoted, was incorrect?,” asked Hilberg. He then referred to Did Six Million Really Die? at page 12:

> The “American” investigators responsible (and who later functioned as the prosecution in the trials) were: Lt.-Col. Burton F. Ellis (chief of the War Crimes Committee) and his assistants, Capt. Raphael Shumacker, Lt. Robert E. Byrne, Lt. William R. Perl, Mr. Morris Ellowitz, Mr. Harry Thon, and Mr. Kirschbaum. The legal adviser of the court was Col. A.H. Rosenfeld. The reader will immediately appreciate from their names that the majority of these people were “biased on racial grounds” in the words of Justice Wenersturm — that is, were Jewish, and therefore should never had been involved in any such investigation.

Hilberg testified that this was a “false statement.” He agreed that Wennerstrum had made such a statement but disputed the truth of his remarks. (6-1214)

So, asked Christie, you'd say that Wennerstrum is wrong and you shouldn’t quote Wennerstrum when he is wrong; is that right?

“I would say that Wennerstrum is wrong and, therefore, I cannot agree that this is correct in content,” said Hilberg.

But there is no doubt about the fact that Wennerstrum said that?, asked Christie.

“No doubt.”

Christie put to Hilberg that this was where one entered into matters of opinion.

“Oh, no,” said Hilberg. “I don’t think this is simply a matter of opinion. It is a factual question as to whether these people were or were not Jews… These were Americans. These were American citizens and American prosecutors.”

Are you saying, asked Christie, that the majority of the American prosecution staff were not Jewish?

“I say that the majority of the American prosecution staff were not Jewish,” said Hilberg. (6-1216)

Christie pointed to the statement Hilberg had read from the pamphlet and asked if the names listed there were not Jewish.

“Why don’t I concede your point?,” said Hilberg.

What point?, asked Christie.

“The point that this is completely correct, in every respect,” said Hilberg.

Thank you, said Christie. You may not agree with what it says, but you cannot say it is wrong.

“Conceded.”

Can you see anything else on that page that is false at all?, asked Christie.

“No. I don’t wish to repeat myself one more time, if I may be excused,” said Hilberg. (6- 1217)

Christie next referred to page 17 of the pamphlet:

> Although Reitlinger’s 6,000 a day would mean a total by October 1944 of over 5 million, all such estimates pale before the wild fantasies of Olga Lengyel in her book Five Chimneys (London, 1959). Claiming to be a former inmate of Auschwitz, she asserts that the camp cremated no less than “720 per hour, or 17,280 corpses per twenty-four hour shift.” She also alleges that, in addition, 8,000 people were burned every day in the “death-pits", and that therefore “In round numbers, about 24,000 corpses were handled every day” (p. 80- 1).

Hilberg agreed that he had quoted Lengyel in his book a number of times. (6-1217)

“Well, I do quote her about certain matters because she was an inmate and reported, in some respects, what she saw, in other respects reported hearsay.”

Christie asked whether Did Six Million Really Die? had quoted her incorrectly.

“No,” said Hilberg. “She did include, obviously, hearsay, and reports that she heard some of these things and printed them in her memoir… She does not claim to have made this count. She reports that she heard it.”

Christie produced the book Five Chimneys: The Story of Auschwitz by Olga Lengyel and quoted from page 69:

Three hundred and sixty corpses every half hour, which was all the time it took to reduce human flesh to ashes, made 720 per hour, or 17,280 corpses per twenty-four hour shift. And the ovens, with murderous efficiency, functioned day and night.

However, one must also reckon the death pits, which could destroy another 8,000 cadavers a day. In round numbers, about 24,000 corpses were handled each day. An admirable production record — one that speaks well for German industry.

Hilberg agreed that this was what Lengyel had said in her book. (6-1218)

So far as that quote is concerned, asked Christie, you say that it was only hearsay to her.

“Yes, because she clearly indicates in the very next sentence that she obtained details, statistics of convoys arriving and all of these things from which somebody made a calculation… Now, the Polish underground in Auschwitz kept a record of arriving trains, and inasmuch as there were varying numbers of people on them calculations were made. Sometimes these calculations were wide off the mark, but these are the statistics to which she refers,” said Hilberg.

Inasmuch as you seem to indicate that I was reading it out of context, said Christie, I should read further:

Even while in camp I obtained very detailed statistics on the number of convoys which arrived at Auschwitz-Birkenau in 1942 and 1943.

Doesn’t that seem to indicate, asked Christie, that she obtained very detailed statistics?

“Well, I don’t think she was there in 1942 or '43, and she obtained these statistics, quite obviously, in ways that we would characterize as hearsay, but based on a record that was kept at Auschwitz and which is available,” said Hilberg. (6-1219)

There is a record to substantiate these numbers?, asked Christie.

“No, I would not say that there is a record substantiating these numbers,” said Hilberg. “There is a record which makes possible a calculation or a miscalculation of that nature.”

Then, to the extent that this article quotes those things that are described here as “wild fantasies,” this booklet Did Six Million Really Die? accurately quotes her verbatim, doesn’t it?, asked Christie.

“Well, I don’t think it’s a fantasy,” said Hilberg.

We may disagree on how we view it, said Christie, but that’s what she said, isn’t it?

“That is what she said, again with the proviso that she didn’t claim this to be her personal calculation or observation. It was based in the context you said on a certain amount of hearsay,” said Hilberg.

Christie produced Hilberg’s book, The Destruction of the European Jews, and turned to page 629 where Hilberg had written:

By 1942-43, the liquidation of graves in all killing centers was in progress. Auschwitz transferred the corpses to the five new crematoriums, which could burn about 12,000 bodies a day.

The footnote to this text read:

63. Sehn, “Oswiecim,” p, 87. Lengyel, Five Chimneys, pp. 68-69, figures the theoretical daily maximum capacity at 17,280.

Were you quoting her with approval?, asked Christie. (6-1220)

“No, obviously not, because I chose the figure 12,000, and then I added — in the stage of my research there was some haziness as to maximum capacity — that one source, not necessarily the most reliable, attributable to Lengyel, the figuring of the daily capacity. That is all it says. It is a footnote,” said Hilberg.

Do you cite footnotes that you don’t agree with?, asked Christie.

“Why not?,” said Hilberg. “If there is some possibility that the number was higher than 12,000, I put it down as the possible avenue for further research… But I didn’t accept it.”

You don’t believe it is a credible number, then?, asked Christie.

“Well, I think it’s on the high side. What I've got in the text is 'about 12,000.'”

Hilberg agreed that on the same page of his book, he stated that in August of 1944 20,000 corpses had to be burned on some days. (6-1221)

Hilberg testified that he was aware of the book Six Million Did Die, published in South Africa by the Board of Jewish Deputies.

So this was a publication to refute Did Six Million Really Die?, right?, asked Christie.

“In part.”

And to provide evidence for its prosecution in South Africa?

“Yes.”

Would you agree with me there were gas chambers in Dachau?, asked Christie.

“You mean a gas chamber for gassing people?,” asked Hilberg. (6-1222)

In Dachau, said Christie.

“Well, did I answer that as a maybe or a possibility?”

I would like your answer, said Christie.

“That is my answer.”

What is it?, asked Christie.

“It is a maybe. To my information it’s not a case of a large number of people having been gassed at Dachau; a handful might have been, but even that is not confirmed,” said Hilberg.

I point out to you, said Christie, that the book Six Million Did Die purports to say that a whole roomful of victims of the Dachau gas chamber lay piled to the ceiling in the crematorium. Am I quoting it correctly?

“Yes. It’s possible.”

Would that be false news?, asked Christie.

“I didn’t say it was false. I said it was a maybe; it was possible. I, myself, did not investigate this matter and I didn’t write this booklet.”

Hilberg agreed that Martin Broszat, whom he regarded as a credible historian, had stated that there were no gas chambers at all in the Reich. (6-1223)

“I am saying,” said Hilberg, “of the various gas chambers in the west, as you put it, the two, as I said, some researchers established as having had gas chambers with some continuous, although not large, volumes of gassings were Natzweiler and Mauthausen. Both these are within the boundaries of the old Reich. Broszat’s statement refers to the old Reich. One has to know what he means by that. He means the German boundaries as of [1937].”

Christie returned to Did Six Million Really Die? at page 19:

> In the first place, Himmler discovered on a surprise visit to Warsaw in January 1943 that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers (Manvell and Frankl, ibid, p. 140)…

Do you consider that statement true?, asked Christie.

“Well, you know, I can confirm, number one, that Himmler did go to Warsaw in January,” said Hilberg. “That he talked to an army colonel named Freter. He then discovered, rather than some thirty or 35,000 registered inmates of this ghetto, there was a substantially larger number who were unregistered, working illegally. He was incensed with the fact that there were so many people there. That’s my best recollection from the documents. Now, to the extent that this reflects my recollection, I will agree with it.” (6-1224)

Christie produced the book Himmler by Manvell and Fraenkel and read from page 140:

Himmler discovered that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers.

“That is what the two journalists are saying,” said Hilberg, “but I am citing documents — — As far as the booklet is concerned, what is true is that they took a statement which is a little bit sloppy from two journalists who wrote a book.”

Do you believe, asked Christie, that there is some question about the authenticity of parts and in fact all of Anne Frank’s diary?

“There is some question as to parts of it, yes,” said Hilberg.

Is it correct, asked Christie, that there are some parts that appear to be written in ball- point pen which wasn’t invented until 1952?

“My understanding, which is based on newspaper accounts, is that the Anne Frank diary which, incidentally, I haven’t used or cited in my context whatsoever, is an accurate diary except for amendations or corrections made by her father after the war. It may be that, as sometimes happens with a diary of deceased people, that

that was his daughter, that he felt they had to make certain changes in it, or corrections in it, which seems to be, from newspaper accounts, it's stated fact."

Christie returned to Did Six Million Really Die? at page 30:

> By 1965, the number of these claimants registered with the West German Government had tripled in ten years and reached 3,375,000 (Aufbau, June 30th, 1965).

Would you dispute that?, asked Christie.

"Well, I really do not know in what sense the word 'claimants' is quoted here," said Hilberg. "Aufbau is a German language newspaper. Let me explain what a claimant may mean. It is a person putting forward a claim. The claim may or may not be recognized. The number of those who put forward claims versus the number of those whose claims are recognized is much larger. There have been many, many claimants, most of them, incidentally, Germans not Jews, whose claims, some of them, were not recognized, claims that they were persecuted. So they could have well made over 3 million of those who made claims; but the recognition of a claim meaning payment to these people is another matter." (6-1226)

Do you dispute the number of claimants in that year as it states?, asked Christie.

"What I am stating to you is that 3,375,000 may be the total number of people, Jews and non-Jews, who asserted that they had a claim. It does not mean that this is the number of people who received money, let alone the number of Jews who received money."

Do you dispute the figures there?, repeated Christie.

"I cannot confirm it, but to me, with all due respect, it's a meaningless figure out of context," said Hilberg. "… As I said before, most of the disallowed claims were not from Jewish people. There were many people asserting persecution in Germany who were not Jewish. Even among the recipients of money, under the indemnification law, approximately a third were not Jewish, and that is a much smaller number than those who asserted claims." (6-1229)

So that the majority who were disallowed were not Jewish?, asked Christie.

"That is my opinion."

Would the majority who were allowed be Jewish?, asked Christie.

"Yes. About two-thirds," said Hilberg.

Two-thirds of the claims allowed were Jewish?, asked Christie.

"Yes."

How many of the claims made were allowed?, asked Christie.

"Oh, that is a difficult figure to give, because we are talking thirty years and changes in rules and type of claims. If the reference is to 1965, which is a watershed because of the widening of claims — before 1965 I would have said some 300,000 to which were added some tens of thousands of new claimants. So we are talking about hundreds of thousands, but in no sense millions," said Hilberg.

Christie returned to the Höss affidavit and quoted from paragraph 6 to the court:

The "final solution" of the Jewish question meant the complete extermination of all Jews in Europe. I was ordered to establish extermination facilities at Auschwitz in June 1941. At that time, there were already in the general government three other extermination camps; Belzek, Treblinka and Wolzek.

Were Belzec, Treblinka and Wolzek established by June 1941?, asked Christie.

“No. No.”

So here is a man, said Christie, making a statement in a language other than his own, that you know is a totally impossible statement, as far as statements of that nature are concerned.

“I will, without any question, state that this particular document, for that kind of information and a lot of other, is evidently not — it is a very short thing, a page, that is correct. It cannot be supported by the kind of fact that seems to have been a summary of things he said or may have said or may have thought he said by someone who shoved a summary in front of him and he signed it, which is unfortunate,” said Hilberg. (6-1230)

This ended the cross-examination of Hilberg by defence counsel Doug Christie. Crown counsel Griffiths rose to commence his re-examination of the witness.

Griffiths asked if Hilberg had stated in the interview with Le Nouvel-Observateur that he was quite willing to keep an open mind academically and look into things if any new evidence came forward.

“Yes,” said Hilberg.

Have you ever seen any German document or any other document to make you change your opinion as to the fact of the Holocaust?, asked Griffiths.

“None whatsoever.”

Griffiths asked Hilberg what the contents were of the letter he received from Dr. Robert Faurisson.

“I think he was complimentary. He said I was a nice fellow, but other people were not,” said Hilberg.

You mentioned in cross-examination, said Griffiths, that the last reference you have seen to a document attributable to Hitler with a reference to Madagascar, you have given a date of February 2…

“1941,” said Hilberg, “… a diary kept by an adjutant of Hitler’s called Engel. This diary I value highly as an authentic source because it was kept by an army officer who was in Hitler’s entourage for something like five years. Although this is not a daily diary, he recorded many interesting, salient comments Hitler made. The discussion that is under the date of February 2, 1941 — and I recall the date because it does seem to me significant, was to the effect that Bormann, one of the top Nazis, brought up the Jewish question, as frequently happened, and they were then discussing some way of trying to solve it. Hitler then brought up Madagascar. Then someone questioned about how could the Jews ever go to Madagascar in the middle of a war. Hitler then said, 'You're right. We cannot send them over there because I will certainly not risk the German merchant fleet to transport Jews, which might then even be torpedoed by Jewish warships or submarines.' Anyway, he said he was now thinking less friendly thoughts about the Jews. That’s all he said at that point on February 2nd. It seems to me that that more or less closed the chapter of Madagascar, that although reference to Madagascar appeared in German documentation thereafter, it has, at that point, ceased to be a feasible project.”

You were asked, said Griffiths, quite a number of questions about Rudolf Höss, and allegations of torture, complaints of torture before the International Military Tribunal.

“Not to my knowledge,” said Hilberg.

Any allegations that you can recall that the record was asked to be expunged during the recording of his testimony?, asked Griffiths.

“No.” (6-1231, 1232)

Griffiths referred Hilberg to page 198 of the book, Commandant of Auschwitz, where it was written in a description of a gassing:

The door was opened half an hour after the induction of the gas, and the ventilation switched on.

You have seen documents as to the ventilation of Birkenau?, asked Griffiths.

“I have seen some documents in which the installation of the gas chambers was discussed, and in which the late delivery of the ventilators prevented the starting up of the gas chambers, the projected time,” said Hilberg.

That is the nature of the documents you have seen about the ventilators?, asked Griffiths.

“Yes.”

You used, asked Griffiths, only those portions of the affidavit of Kurt Gerstein that were corroborated?

“Right.”

Can you tell us what corroboration you had for those parts of the affidavit you used?, asked Griffiths.

“Yes. There was, with Gerstein, another person who also made an affidavit, at least one. There are accounts based on the report of a Swedish diplomat; he may or may not have believed the contents, but he made a record of what Gerstein told him on the express train in the summer of 1942 about these death camps. The Swedish government has the record of the Swedish diplomat’s entry and memorandum of that conversation. So the important thing is that Gerstein, indeed, was at these gas chambers, did see them, two of the camps, reported these matters, and I believe that this is confirmed in a variety of words,” said Hilberg. (6-1233)

Leaving aside Gerstein’s statistics and numbers and concentrating more on the fact of the gas chamber, asked Griffiths, is there anything, since your first edition in 1961, that has offered any further corroboration?

“Oh, yes. Because since then, especially in the 1960s, the West German government attempted to find every single surviving member of the German guard forces in these camps, these three camps particularly — Treblinka, Belzec and Sobibor — and each one of these people was questioned. A record was made of what they said, and I have been through all of these records,” said Hilberg. (6-1234)

Griffiths produced the book I Cannot Forgive by Rudolf Vrba, published in 1964. Hilberg confirmed that he had read the book. Griffiths referred to the following passage:

I did not answer him. I scarcely heard him. The lorries began to snarl again and move towards the gate, like an armoured division. The noise of the engines seemed to fill the camp, to drown my ears.

Then suddenly, over this harsh, imperative note, I heard a new, sweet sound. The sound of a thousand women singing. And the song was the Czechoslovak National Anthem — “Where is my Home… “

…Philip Müller had been working all night. His face was grimy and his eyes were tired. With careful indifference, I said to him: “How did it go?”

“Quietly, Rudi,” he said. “Very quietly. They sang the Czech and Jewish National Anthems all the time and they just walked straight into the chambers.”

Hilberg agreed that Griffiths had read the passage correctly. (6-1236, 1236a)

Griffiths produced Cassell’s English/German Dictionary, 1957 edition up-dated to the twelfth edition of 1968, which Hilberg testified was “the most widely used one on this side of the ocean.” Hilberg confirmed that the definition of the word vernichten (which had been used in SS General Stroop’s report) as given in the dictionary was “annihilate, destroy, demolish, exterminate, overthrow, disappoint” with secondary meanings of “annul, cancel, nullify, declare null and void, revoke, abolish, quash, abrogate in law.” (6-1236a)

Hilberg confirmed that the definition of the word wesen given in the dictionary was “reality, substance, essence, being, creature, living thing, organism, state, condition, nature, character, property, intrinsic virtue, conduct, demeanour, air, way, bearing.”

Any vermin or insects mentioned there?, asked Griffiths.

“No,” said Hilberg. (6-1237)

Griffiths referred Hilberg to Five Chimneys and asked if Lengyel said that such numbers were cremated or whether they could be cremated.

“Okay,” said Hilberg. “The passage which he underlined is simply an enumeration of a capacity — 360 corpses every half hour, which is all the time it took to reduce human flesh to ashes, made 720 corpses per hour or 17,280 corpses per 24-hour shift… This is without the death pits. This is simply the capacity of the crematories, and does not include the pits in which bodies were burned… This is the theoretical capacities of the crematories as she relates it, and it does not include the pits.” (6 1238)

Hilberg read the entire passage on page 68 from Five Chimneys:

In the beginning, those who were condemned to death at Birkenau were either shot in the forest of Braezinsky or gassed at the infamous white house in the camp. The corpses were incinerated in a “deathpit.” After 1941 four crematory ovens were put into service and the “output” of this immense extermination plant was augmented vastly.

At first, Jews and non-Jews were sent to the crematory equally, without favor. After June, 1943, the gas chamber and the crematory ovens were reserved exclusively for Jews and Gypsies. Except for reprisal or by error, Aryans were not sent there. But generally, Aryans were executed by shooting, hanging, or by poison injections.

Of the four crematory units at Birkenau, two were huge and consumed enormous numbers of bodies. The other two were smaller. Each unit consisted of an oven, a vast hall, and a gas chamber.

Above each rose a high chimney, which was usually fed by nine fires. The four ovens of Birkenau were heated by a total of thirty fires. Each oven had large openings. That is, there were 120 openings, into each of which three corpses could be placed at one time. That meant they could dispose of 360 corpses per operation. That was only the beginning of the Nazi “Production Schedule.”

Three hundred and sixty corpses every half hour, which was all the time it took to reduce human flesh to ashes, made 720 per hour, or 17,280 corpses per twenty-four hour shift. And the ovens, with murderous efficiency, functioned day and night.

However, one must also reckon the death pits, which could destroy another 8,000 cadavers a day. In round numbers, about 24,000 corpses were handled each day. An admirable production record — one that speaks well for German industry.

Was Höss ever called for the prosecution?, asked Griffiths.

“I am not aware of that,” said Hilberg. (6-1239)

Only as a defence witness?, asked Griffiths.

“That is what I recall.”

And you were asked, said Griffiths, about whether you had any knowledge of scientific reports of what happened in the gas chambers, and my recollection is that you replied that from German sources you have reports of what happened. They were not scientific reports.

“That’s correct,” said Hilberg.

What German sources do you have describing what happened?, asked Griffiths.

“German documents pertaining to operations in the death camps are numerous, and they include various railway materials indicating the one-way traffic to these camps,” said Hilberg. “… In addition, there is correspondence pertaining to the construction of gas chambers. Furthermore — and again I speak of documentation — there is an extensive correspondence about the delivery of gas, sometimes labelled 'materials for handling the Jewish problem', and this is just a sample of the materials on which one relies on forming the total picture of what happened.”

This ended the examination of Raul Hilberg.

Notes

1. At the time of Hilberg's testimony in 1985, the monument at Birkenau read as follows: "Four Million People Suffered and Died Here at the Hands of the Nazi Murderers Between the Years 1940 and 1945". These words were removed from the monument in 1990 while international controversy raged over the correct number of victims.

2. Serge Klarsfeld. Le mémorial de la déportation des Juifs de France (Paris: Klarsfeld, 1978).

3. The 1977 letter from Dr. Richard Korherr to Der Spiegel is reproduced in the testimony of Udo Walendy infra.

4. G. M. Gilbert. *Nuremberg Diary* (New York: Farrar, Straus, 1947)

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